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BULLETIN No. 10

Amendments to the Consolidated Statutes

ENACTED BY THE
GENERAL ASSEMBLY OF NORTH CAROLINA
REGULAR SESSION 1933

Compiled by
H. M. LONDON
LEGISLATIVE REFERENCE LIBRARIAN

RALEIGH, NORTH CAROLINA
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NOTE

This bulletin is issued in compliance with Section 6147 of the Consolidated Statutes, which requires the Legislative Reference Librarian to keep the compilations of the Public Laws of the State revised to date. It contains the amendments to the Consolidated Statutes enacted at the 1933 regular session of the General Assembly. Bulletin No. 3 contained the amendments enacted at the extra session 1920 and regular session 1921. Bulletin No. 4 contained the amendments enacted at the extra session 1921. Bulletin No. 5 contained the amendments enacted at the regular session of 1923. Bulletin No. 6 contained the amendments enacted at the extra session 1924 and regular session 1925. Bulletin No. 7 contained the amendments enacted at the regular session 1927, Bulletin No. 8 contained the amendments enacted at the regular session 1929, and Bulletin No. 9 contained the amendments enacted at the regular session 1931. Copies of 4, 5, 6, 7, 8, and 9 may be had on application. The amendments contained in 3, 4, and 5 are embraced in Volume Three of the Consolidated Statutes.

The chapters which in terms or in effect amend certain chapters, sections or subsections of the Consolidated Statutes have been brought forward in this bulletin and are arranged according to the section number of the Consolidated Statutes. In each case the chapter number is given so that reference may be made to the session laws.

Several laws, such as the Revenue and Machinery Act, Motor Vehicle Laws, School Law, Game and Fish Laws, Local Government Act, Election Law, State Highway and Public Works Commission Act, State Bar Incorporation Act, Beverage Control Act, Road Law, Workmen's Compensation Act, Banking Laws, Fertilizer Law, and acts giving terms of Superior Courts and others are not brought forward here since they have been published in pamphlet form and may be had free upon application, accompanied by postage, by persons interested in them.

H. M. LONDON,
Legislative Reference Librarian.

October 1, 1933.

Amendments to the Consolidated Statutes

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GENERAL ASSEMBLY OF NORTH CAROLINA
REGULAR SESSION 1933

CHAPTER I

ADMINISTRATION

45. As amended by c. 64, 1931, strike out the words "and Edgecombe." 1931 amendment now applies only to Nash County.
1933, c. 414.

49. Add at end of section: "And the sheriffs of the several counties to whom a process is directed under the provisions of this section shall serve the same without demanding their fees in advance."
1933, c. 100.

65(a). Vol. III. In line 11, after the word "Watauga," insert the word "Wilson."
1933, c. 16.

84. Add at end of section: "*Provided, however,* that in case a re-sale of such real property shall become necessary under such proceeding that such real property shall then be re-sold only after notice of re-sale has been duly posted at the court house door in the county for fifteen days immediately preceding the re-sale and also published at any time during such fifteen day period once a week for two successive weeks of not less than eight days in some newspaper published in the county, if a newspaper is published in said county, but if there be no newspaper published in said county the notice of re-sale must be posted at the court house door and three other public places in the county for fifteen days immediately preceding the re-sale."
1933, c. 187.

106. Add at end of section: "And the sheriffs of the several counties to whom a process is directed under the provisions of this section shall serve the same without demanding their fees in advance."
1933, c. 99.

150. Add at end: "*Provided,* that upon petition of any executor, administrator or collector and after notice in writing by registered mail to all devisees, legatees, or other parties in interest, at his, her or their last known postoffice address, posted not less than thirty days prior to the hearing upon such petition, the Clerk of the Superior Court, for good and sufficient cause shown, may extend the time for filing the final settlement of any estate, from year to year, for a total period not to exceed an aggregate of five years from and after the date of the qualification of such executor, administrator or collector, which said order of the Clerk of the Superior Court shall not become effective until approved by the resident Judge of the Superior Court."
1933, c. 188.

160. In line ten, between the word "legacies" and the word "but" insert the words "except as to burial expenses of the deceased."
1933, c. 113.

176(a). (Chapter 86, 1925.) In line 3, c. 86, 1925, after the word "endorsers" insert the words: "a guarantor or one of the guarantors."
1933, c. 196.

Add at end of section one of said chapter: "Unless it shall be made to appear to the Court that it is for the best interest of the estate that said time for final payment extend for a longer period than two years, then the Court in its discretion may empower and authorize the administrator, executor or collector of said estate to renew the note, bond or other obligation for the payment of money or any renewal or extension thereof by said administrator, executor or collector for such period as the Court may deem best or for a period of time not exceeding two years."
1933, c. 161.

Not applicable to Mecklenburg and Pamlico Counties.

176. Add after the word "decedent" at end of Section 1, c. 86, 1925, the following: "unless the time for final settlement of the estate of said decedent has been extended from year to year for a longer period by order of the Clerk of the Superior Court, approved by the resident Judge of the Superior Court, and when the time for final settlement of said decedent's estate has been so extended, such note, bond or other obligation for the payment of money or any renewal thereof by the said administrator, executor or collector may likewise be extended but not beyond the period authorized by the Court for the final settlement of the estate of said decedent."
1933, c. 498.

CHAPTER II

ADOPTION OF MINORS

182-191. Chapter two now reads: (1) Any proper adult person or husband and wife, jointly, who have legal residence in North Carolina, may petition the Superior Court of the county in which he or they have legal residence, or of the county in which the child resides, or of the county in which the child had legal residence when it became a public charge, or of the county in which is located any agency or institution operating under the laws of this State having guardianship and custody of the

child, for leave to adopt a child and for a change of the name of such child, *Provided*, that in every instance the child and his parent or parents have legal residence in this State. Such petition for adoption shall be filed in duplicate on standard form to be supplied by the State Board of Charities and Public Welfare, one form to be held in the files of the said Superior Court and the other to be returned to said State Board of Charities and Public Welfare to be held as permanent record.

(2) Upon the filing of a petition for the adoption of a minor child the Court shall instruct the County Superintendent of Public Welfare, or a duly authorized representative of a child-placing agency licensed by the State Board of Charities and Public Welfare, to investigate the conditions and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption, and to make appropriate inquiry to determine whether the proposed foster home is a suitable one for the child. The County Superintendent of Public Welfare or the duly authorized representative of such agency described hereinbefore shall make a written report of his findings to the Court of Adoption.

(3) The parent or guardian, or the persons having charge of such child, or with whom it may reside, must be a part(y) of record in this proceeding.

(4) Upon the filing of the written report of the Superintendent of Public Welfare or of a duly authorized representative of said agency described hereinbefore, and with the consent of the parent or parents, if living, or of the guardian, if any, or of the person with whom such child resides, or who may have charge of such child, except in cases hereinafter provided for, the Court, if it be satisfied that the petitioner is a proper and suitable person and that adoption is for the best interests of the child, may tentatively approve the adoption and issue an order giving the care and custody of the child to the petitioner. Within two years thereafter, but not earlier than one year from date of such order, the Court at its discretion may complete the adoption by an order granting letters of adoption, and effect of adoption shall be retroactive to date of application. During this interval the child shall remain the ward of the Court and shall be subject to such supervision as the Court may direct.

(5) Such order granting letters of adoption, when made, shall have the effect forthwith to establish the relation of parent and child between the petitioner and the child during the minority or for the life of such child, according to the prayer of the petition, with all the duties, powers, and rights belonging to the relationship of parent and child; and in case the adoption be for the life of the child, and the petitioner dies intestate, such order shall have the further effect to enable such child to inherit the real estate and entitle it to the personal estate of the petitioner in the same manner and to the same extent such child would have been entitled to if such child had been the actual child of the person adopting it. The child shall not inherit and be entitled to the personal estate if the petitioner especially sets forth in his petition such to be his desire and intention. Any proceedings conducted under this section to which the adopting parent shall be a party shall be binding upon such party, regardless of lack of jurisdiction as to the other persons or any irregularities in the proceedings.

(6) For proper cause shown the Court may decree that the name of the child shall be changed to that of the adopting parent: *Provided*, that whenever the name of any child is so changed the Court shall immediately report such change to the Bureau of Vital Statistics of the State Board of Health, authorizing said Bureau to enter change of name on the original birth certificate of the child and to issue upon request a certificate of birth bearing the new name of a child as shown in the decree of adoption, the name of the foster parents of said child, age, sex, date of birth, but no reference in any certified copy of the birth certificate shall be made to the adoption of the said child. However, original registration of birth shall remain a part of the record of the said Bureau of Vital Statistics.*

*The provisions of this section shall apply to all minors heretofore adopted in accordance with the laws existing at the time of such adoption in as full a manner as to adoptions hereunder.

(7) When the Court grants the petitioner the custody of the child, if the child is an orphan and without guardian and possesses any estate, the Court shall require from the petitioner such bonds as is required by law to be given by guardians.

(8) The order granting letters of adoption shall be recorded in a book entitled "Clerk's Record of Orders and Decrees" in the office of the Clerk of Superior Court in the county in which the adoption is made, and may be revoked at any time within two years after date of order by the Court for good cause shown. On issuing such order granting letters of adoption, the Clerk of Superior Court of the county in which order is issued shall send copy of such order to the State Board of Charities and Public Welfare, and likewise a copy of revocation of order to said Board, to be held as a permanent record.

(9) In all cases where the parent or parents of any child has willfully abandoned the care, custody, nurture, and maintenance of the child to kindred, relatives, or other persons, and in all cases where a Court of competent jurisdiction has declared the parent or parents or guardian(s) unfit to have the care and custody of such child, such parent or parents or guardian shall be deemed to have forfeited all rights and privileges with respect to the care, custody, and services of such child, and upon finding of such fact by the Court shall not be necessary parties to any action or proceeding under this chapter.

(10) All proceedings for the adoption of minors in courts of this State are hereby validated and confirmed, and the orders and judgments therein are declared to be binding upon all parties to said proceedings and their privies and all other persons, until the orders or judgments shall be vacated as provided by law.

(11) Any parent whose rights and privileges have been forfeited as provided by the second preceding section who shall procure the possession and custody of such child, with respect to whom his rights and privileges are forfeited otherwise than by law provided, shall be guilty of a crime, and shall be punished as for abduction.

1933, c. 207.

CHAPTER IV

ATTORNEYS AT LAW

198. In line two, after the word "courts" insert the words "nor Register of Deeds."

1933, c. 15.

Section amended so as to allow a practicing attorney to act as Justice of the Peace in Burke County.

1933, c. 135.

204-215. Repealed.

1933, c. 210, s. 20.

CHAPTER VI

BASTARDY

265-276. Repealed and the following substituted: Any parent who willfully neglects or who refuses to support and maintain his or her illegitimate child shall be guilty of a misdemeanor and subject to such penalties as are hereinafter provided. A child within the meaning of this act shall be any person less than ten years of age and any person whom either parent might be required under the laws of North Carolina to support and maintain if such child were the legitimate child of such parent.

The provisions of this act shall apply whether such child shall have been begotten or shall have been born within or without the State of North Carolina, provided that the child to be supported is a *bona fide* resident of this State at the time of the institution of any proceedings under this act. Provided the provisions of this act shall not apply to pending litigation or accrued actions.

Proceedings under this act may be instituted at any time within three years next after the birth of the child and not thereafter.

Proceedings under this act may be brought by the mother or her personal representative, or, if the child is likely to become a public charge, the Superintendent of Public Welfare or such persons as by law performs the duties of such official in said county where the mother resides or the child is found. Indictments under this act may be returned in the county where the mother resides or is found, or in the county where the putative father resides or is found, or in the county where the child is found. The fact that the child was born outside of the State of North Carolina shall not be a bar to indictment of the putative father in any county where he resides or is found, or in the county where the mother resides or the child is found. The death of the mother shall in no wise affect any proceedings under this act. Preliminary proceedings under this act to determine the paternity of the child may be instituted prior to the birth of the child, but when the judge trying the issue of paternity deems it proper, he may continue the case until the woman is delivered of the child. When a continuance is granted, the Courts shall recognize the person accused of being the father of the child with surety for his appearance, either at the next term of the Court or at a time to be fixed by the judge granting a continuance, which shall be after the delivery of the child.

No mother of illegitimate child shall be excused on the ground that it may tend to incriminate her or subject her to a penalty or a forfeiture, from attending and testifying, in obedience to a subpoena of any court, in any suit or proceeding based upon or growing out of the provisions of this act; but no such mother shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing as to which, in obedience to a subpoena and under oath, she may so testify or produce evidence; but no mother shall be exempt from prosecution and punishment for perjury committed in so testifying.

Proceedings under this act shall be instituted in any court of record, but not elsewhere, in the appropriate county as hereinbefore provided. The Court before which the matter may be brought shall determine whether or not the defendant is a parent of the child on whose behalf the proceeding is instituted. After this matter has been determined in the affirmative the Court shall proceed to determine the issue as to whether or not the defendant has neglected or refused to support and maintain the child who is the subject of the proceeding. After this matter shall have been determined in the affirmative the Court shall fix by order, subject to modification or increase from time to time, a specific sum of money necessary for the support and maintenance of the particular child who is the object of the proceedings. The Court in fixing this sum shall take into account the circumstances of the case, the financial ability to pay and earning capacity of the defendant, and his or her willingness to co-operate for the welfare of the child. The order fixing the sum shall require the defendant to pay it either as a lump sum or in periodic payments, as the circumstances of the case may appear to the Court to require. Compliance by the defendant with any or all of the further provisions of this act, or the order or orders or the Court requiring additional acts to be performed by the defendant, shall not be construed to relieve the defendant of his or her responsibility to pay the sum fixed, or any modification or increase thereof.

Upon the determination of the issues set out in the foregoing section, and for the purpose of enforcing the payment of the sum fixed, the Court is hereby given discretion, having regard for the circumstances of the case and the financial ability and earning capacity of the defendant and his or her willingness to co-operate, to make an order or orders upon the defendant, and to modify such order or orders from time to time as the circumstances of the case may in the judgment of the Court require. The order or orders made in this regard may include any or all of the following alternatives:

- (a) Commit the defendant to prison for a term not to exceed twelve months;
- (b) Suspend sentence and continue the case from term to term;
- (c) Release the defendant from custody on probation, conditioned upon the defendant's compliance with the terms of the probation and the payment of the sum fixed for the support and maintenance of the child;
- (d) Apprentice the defendant to the superintendent of the poor farm, to be employed there at a salary to be fixed by the Board of County Commissioners, or to some other person who will give bond for compliance with this act, at a salary to be fixed by the Board of County Commissioners, the proceeds of his earnings to be paid to such person as the Court may direct for the support, maintenance, and education of the said child; and
- (e) Order the defendant to pay to the mother of the said child the necessary expenses of birth of the child and suitable medical attention for her;
- (f) Require the defendant to sign a recognizance with good and sufficient security, for compliance with any order which the Court may make in proceedings under this act.

At the preliminary hearing of any case arising under this act it shall be the duty of the Court, if it finds reasonable cause for holding the accused for a further hearing, to impose upon the accused a bond in the sum of not less than two hundred dollars, conditioned upon the reappearance of the accused at the further hearing under this act. This bond and all other bonds provided for in this act shall be justified before and approved by the Court or the clerk thereof.

This statute shall be referred to as "An Act concerning the support of children of parents not married to each other."

1933, c. 228.

CHAPTER XI

CITIZENSHIP RESTORED

386. In lines one and two strike out the words "At any time after the expiration of four years from the date of conviction" and insert "At any time after the expiration of two years from the date of discharge of the petitioner."

1933, c. 243.

CHAPTER XII

CIVIL PROCEDURE

437. Add new section: "437(a). No action shall be maintained on any promissory note, bond, evidence of indebtedness or debt secured by a mortgage or deed of trust on real estate after the foreclosure of the mortgage or deed of trust securing the same, except within one year from the date of sale under such foreclosure, or from the date of the ratification of this section, if such sale precedes its ratification; but this section shall not extend the time of limitation on any such action."

1933, c. 529.

442. Statute of limitations on vouchers and scrip held by teachers and school employees not applicable in Carteret and Haywood Counties. 5 years allowed in which to commence action. Sub-section 2 not applicable to Haywood County.

1933, c. 386.

442. Section not applicable to Cherokee and Clay Counties.

1933, c. 318.

444. (Applying only to Cleveland and Rutherford Counties.) Add at end: "By the landlord, mortgagee, or other lienor against any person or corporation purchasing any part of crop upon which landlord, mortgagee or other lienor holds an unsatisfied lien, for the conversion of said crop, the statute to run from the date of purchase, and in all such cases Section 441, Sub-section 4, shall not apply."

1933, c. 167.

457. Add at end: "Any and/or all unincorporated beneficial organizations, fraternal benefit orders, associations and/or societies, or voluntary fraternal beneficial organizations, orders, associations and/or societies, foreign or domestic, now or hereafter doing business in this State, shall have the power to sue and/or be sued in the name commonly known and/or used by them in the conduct of their business to the same extent as any other legal entity established by law, and without naming any of the individual members composing it."

1933, c. 182.

473. (As amended by c. 308, 1931.) Add at end: "Provided, that when the judge shall determine that it is necessary to have a special venire drawn from an adjoining county, instead of directing the jurors to appear at the courthouse in the county where the trial is pending, he may order them to appear at the courthouse of their own county and in lieu of their receiving mileage in going from their own county to the county in which the trial is held, it shall be optional with the county where the trial is held to provide transportation to said jurors from their own county seat to the place of trial and return instead of paying mileage to the jurors in going from their county seat to the place of trial." Not applicable to Ashe and Durham Counties.

1933, c. 248.

483. Add at end: "(4). Every unincorporated, fraternal, beneficial organization, fraternal benefit order, association and/or society issuing certificates and/or policies of insurance, whether foreign or domestic, now or hereafter doing business in this State, shall be subject to service of process, in the same manner as is now or hereafter provided for service of process on corporations: *Provided*, this act shall only apply in actions concerning such certificates and/or policies of insurance."

1933, c. 24.

687. As amended by c. 44, 1929, in line 10 of sec. 1 of said chapter strike out the word "twenty-two" and insert the word "twenty-one" and in line 8 strike out the word "eight" and insert the word "seven." In line 5 of sec. 2, strike out the word "twenty-two" and insert the word "twenty-one" and in line 6 strike out the word "eight" and insert the word "seven."

Add at end of section: "All sales of real property under execution deed of trust, mortgage or other contract made since the ratification of Chapter 44, Public Laws of 1929, to-wit, February 21, 1929, where the original sale was published for four successive weeks, and any re-sale published for two successive weeks shall be and the same are in all respects validated as to publication of notice: *Provided*, nothing in this validating section shall affect pending litigation."

1933, c. 96.

690. Add at end: "All sales of real or personal property heretofore made by a sheriff of any county in North Carolina in the manner provided by law for sale of real or personal property under execution, on any day other than the day now provided by law, be, and the same are hereby validated." Does not affect pending litigation.

1933, c. 79.

730. Add Onslow, Duplin, Graham and Martin to the list of counties affected by c. 58, 1931, amending section.

1933, c. 37 and 147.

765. Add at end: "If any commissioner appointed in any action or special proceeding before the clerk fails, refuses, or omits to file a final account as prescribed in this section, or renders an insufficient or unsatisfactory account, the Clerk of the Superior Court shall forthwith order such commissioner to render a full and satisfactory account, as required by law, within twenty days after service of the order. Upon return of the order, duly served, if such commissioner shall fail to appear or refuse to exhibit such account, the Clerk of the Superior Court shall issue an attachment against said commissioner for a contempt, and commit him till he exhibits such account, or files a bond for the amount held or unaccounted for as is prescribed by law for administrators, the premium for which is to be deducted from the commissioner's fee, earned by said commissioner in said action or special proceeding."

1933, c. 98.

840. In line six strike out the word "plaintiff's" and insert "intervener or third person's."

Add at end: "Provided, that this section shall not be construed to prevent any such intervener or third person from intervening and asserting his claim to the property or any part thereof, without giving bond as herein required, where such intervener or other third person does not ask for possession of the property pending the trial of the issue."

1933, c. 131.

867. Add at end: "Provided, that in all applications seeking a writ of mandamus to enforce a money demand on actions *ex contractu* against any county, city, town, or taxing district within the State, the applicant shall allege and show in the complaint that the claim or debt has been reduced to a final judgment establishing what part of said judgment, if any, remains unpaid; what resources, if any, are available for the satisfaction of the judgment, including the actual value of all property sought to be subjected to additional taxation, and the necessity for the issuing of such writ."

1933, c. 349.

CHAPTER XIII

CLERK OF SUPERIOR COURT

938. Add new sub-section: "(21). To notify by mail, all legatees and devisees whose addresses are known, designated in wills filed for probate in their respective counties. Expenses incident to such notification shall be deemed a proper charge in the administration of the respective estates."

1933, c. 133.

962. (Rewritten 1929, c. 15.) Add at end: "This section shall also apply to incompetent or insane persons, and it shall be the duty of any person or corporation having in its possession \$300.00 or less for any minor child or indigent child, or incompetent or insane person to pay the same in the office of the Clerk of the Superior Court and the Clerk of the Superior Court is hereby authorized and empowered to disburse the sum thus paid into his office, upon his own motion or order, without the appointment of a guardian."

1933, c. 363.

CHAPTER XIX

CONVEYANCES

1013. In line seven strike out the words "at any time" and insert the words "seven days before the proposed sale."

1933, c. 190.

CHAPTER XX

CORONERS

1020. Rewritten 1924, c. 65. At end of s. 1, c. 152, 1931, strike out the words: "for the purpose of ascertaining the cause of death."

1933, c. 209

CHAPTER XXI

CORPORATION COMMISSION

1023-1034. Repealed. Effective January 1, 1934. Establishing the Utilities Commission in place of Corporation Commission.

1933, c. 134.

1112. Add new article as follows: Article 8. *Public Utilities*. The purpose of this article is to make more effective the regulation of public utilities by the Utilities Commission established under c. 134, 1933

1933, c. 307.

CHAPTER XXII

CORPORATIONS

1148. Add at end of section: "Wherever a corporation created under the laws of the State of North Carolina has, on account of failure to make reports to the different State authorities, for such a length of time as to lose its charter, and where thereafter, under the laws of the State of North Carolina, a new charter is issued, in the same name as the original corporation, and on behalf of the same corporation, such new corporation shall succeed to the same properties, to the same rights, as the original corporation before losing its charter on account of neglect hereinbefore mentioned.

"Whenever such new corporation shall have been created under the laws of this State, all the title, rights, and emoluments to the property held by the original corporation shall inure to the benefit of the newer corporation, and the new corporation shall issue its stock to the stockholders in the defunct corporation in the same number and with the same par value as held by the stockholders of the defunct corporation.

"Such new corporation shall have the rights and privileges of maintaining any action or cause of action which the defunct corporation might maintain, bring, or defend, and to all intents and purposes the new corporation shall take the place of the defunct corporation to the same intent and purposes as if the defunct corporation had never expired by reason of its failure to make the reports hereinbefore referred to."

1933, c. 124.

1179. Add at end of s. 1, c. 121, 1927, amending section 1179: "Provided further, that any corporation, other than a public-service corporation, which is a member of a partnership, may declare and pay dividends from the surplus or net profits arising from its business when the sum of the corporation's separate debts, whether due or not, and that part of the partnership debts which is the same proportion of all the partnership debts, whether due or not, as the corporation's interest in the partnership assets is of all such assets does not exceed two-thirds of the corporation's assets; and in such calculation the amount of its interest in the partnership assets shall be considered assets of the corporation."

1933, c. 354, s. 1.

1179. Add new section: "1179(a). Any corporation created under this chapter which is a member of a partnership may have its interests in such partnership managed, and may be engaged in or have charge of the management and affairs of such partnership, by and through any of its officers, directors, stockholders, agents and servants; and no such person acting as manager of the interests of any corporation in such partnership, or engaged in or having charge of the management and affairs of such partnership, whether as executive, member of an executive committee or board, employe or otherwise, shall be personally subject to any liability for the debts of such partnership or such corporation."

1933, c. 354, s. 2.

CHAPTER XXIII

COSTS

1259. Add at end: "Provided, that in Hertford County, clerks, sheriffs or constables, justices and witnesses shall in all cases receive full fees."

1933, c. 68.

1259. Add new section: "1259(a). Under this act sums due by counties in bills of costs in criminal actions are to be credited on taxes due by payee, if any. Unlawful to pay such moneys to persons indebted for taxes."

1933, c. 245.

Amendment as to application of fees to taxes not applicable to Granville, Craven and Wilson Counties.

1933, c. 426 and c. 501.

1260. In line 5 before the word "Henderson" insert the word "Haywood."

Add at end of section: "In Haywood County the county shall only be liable for one-half fees to clerks, sheriffs and constables serving process."

1933, c. 366, s. 1.

1276. In line two, sub-section six, after the word "Gaston" insert the word "Haywood."

1933, c. 366, s. 2.

1283. (Rewritten 1931, c. 252.) Add at end: "Provided, that in cases where the defendant is sentenced to prison or to work upon the public roads by any justice of the peace in Jackson County, and in case such defendant is unable to pay the costs of such action, then the county of Jackson shall be liable for the payment of the costs of the trial justice and the sheriff of said county."

1933, c. 225.

CHAPTER XXIV

COUNTIES AND COUNTY COMMISSIONERS

1317. Add new section: "1317(a). Any two or more counties contiguous to one another or which lie in a continuous group may enter into an agreement for the construction and maintenance of a district jail. Such agreement shall specify the amount of the construction and maintenance cost to be borne by each county and shall fix the terms upon which such jail may thereafter be used by the counties becoming parties to the agreement."

"Such counties may also by agreement establish a jail already built as a district jail and provide for the improvement, enlargement, maintenance cost and use thereof."

"When and if such district jail has been established, all the counties in such district may then sell or dispose of their separate jails upon such terms as the Board of County Commissioners may decide."

1933, c. 201.

1334. Strike out the proviso at end and insert: "Provided, that the Board of Commissioners of Hertford County shall not be required to publish the statement in some newspaper in the county, if, in their discretion, the cost of the publication is excessive."

1933, c. 525.

CHAPTER XXVI

COUNTY TREASURER

1389. Amendment under Chapter 46, 1925, made applicable to Chatham County. "Provided, that in Chatham County the County Commissioners of said county shall fix the compensation to be allowed said bank designated as financial agent of said county which compensation shall not exceed the sum of five hundred dollars per annum and said bank is to furnish without cost to the county, a good and sufficient bond as such financial agent."

All acts of Bank of Pittsboro as financial agent of Chatham County validated.

1933, c. 63.

CHAPTER XXVII

COURTS

1443. See Calendar issued by Legislative Reference Librarian.

1461. Harnett added to the counties to which section does not apply.

1933, c. 75, s. 2.

1461. Section rewritten applying to McDowell County only.

1933, c. 85.

1461. Section rewritten applying to Second Judicial District.

1933, c. 335.

1461. Pay of Court Reporter in 9th District.

1933, Public-Local Laws, c. 485.

1498. Add at end: "*Provided*, that in all counties that have a general county court or county or municipal recorder's court, having concurrent jurisdiction with justices of the peace, the justice before whom the writ or summons is returnable, shall remove same to said general county court or county or municipal recorder's court: *Provided*, that this Act shall apply to Mecklenburg County only."

1933, c. 278.

1526. Add at end: "And in the event that said defendant shall prior to entry of the final judgment be adjudicated a bankrupt, then and in that event, the surety or sureties on said bond shall remain bound as if they were co-debtors with the defendant and the plaintiff may continue the prosecution of the action against said sureties, as if they were co-defendants in the cause."

1933, c. 251.

1555. Repealed as to Burke County.

1933, c. 142.

1569. In line 4 strike out "may" and insert "shall." Applies to Mecklenburg County only.

1933, c. 277.

1572. Not applicable to Henderson County. Jury trials may be had in the county court of Henderson County upon demand of any defendant and upon depositing the sum of six (\$6.00) dollars to cover jury fees; and the jury shall consist of six men who shall receive one (\$1.00) dollar each for their services in each case. Upon demand of any defendant for a jury trial, and depositing the sum required, the jury shall be summoned in the same manner as provided by juries in the Courts of Justices of the Peace."

1933, c. 316.

1589. In line three, strike out the words "nor more than twenty-five thousand."

1933, c. 166.

1589. In lines two and three strike out the words "not less than ten thousand nor." Applies only to Carteret County.

1933, c. 379.

1590. In line five strike out the words "one thousand dollars" and insert the words "three thousand dollars" and in line eight strike out the words "five hundred dollars" and insert "two thousand dollars." Applies to Carteret and Mecklenburg Counties only.

1933, c. 379, s. 2 and c. 174.

1591. Strike out last sentence and insert the following: (Applies to Carteret County only.)

"All actions shall be commenced in said court by summons, running in the name of the State and issued by the clerk of the said Court and shall be returnable, as now provided by law, for the return of summonses issuing from the Superior Court, and with the same provisions now controlling in the Superior Court for the time for filing complaint, answer, demurrer or other plea appropriate. Such summonses or other processes or writs, whether issued for service within or without the county of Carteret, shall run as processes now issuing out of the Superior Court. Such summonses and/or other processes and writs shall be issued by the Recorder's Court to any other county of the State, as is now provided by law for such issuance out of the Superior Court: *Provided, however*, that the processes of said Court while exercising the jurisdiction of a justice of the peace shall not run outside of Carteret County: *Provided, further*, that the provisions of this amendment shall apply only to Carteret County."

1933, c. 379, s. 3.

1592. Repealed as to Burke County.

1933, c. 142.

1608(f). Vol. III. Amendment to section exempting Caswell County repealed.

1933, c. 405.

1608(s). Vol. III. [1924, c. 85, s. 2, sub-sec. 24(d)] Strike out sub-section 24(d) of section two, Chapter 85, 1924, and insert the following: "24(d). Transfers may be made in term of any civil action in the Superior Court to the General County Court, and from the General County Court, to the Superior Court by the presiding judge of said respective courts, by consent, or upon motion of which due notice has been given, when, in the opinion of the presiding judge of the court from which the transfer is to be made, the ends of justice will be best served and promoted by such transfer."

1933, c. 127.

1608(t). Vol. III. (Rewritten by c. 242, 1925, s. 2.) Add at end: "All motions and petitions for removal of actions from the General County Court to the District Court of the United States shall be presented to, be heard and determined by the Judge of the General County Court, with the right of appeal from any order or ruling of said judge to the Superior Court."

1933, c. 128.

1608(oc). Vol. III. Beginning in line five strike out the words "with the exception that the record may be typewritten instead of printed, and only two copies shall be required, one for the Court and the other for the counsel," and insert the following: "except that appellant shall file in duplicate Statement of Case on Appeal, as settled, containing the Exceptions and Assignments of error, which, together with the original record, shall be transmitted by the Clerk of the General County Court to the Superior Court as the complete record on appeal in said Court; that briefs shall not be required to be filed on said appeal, by either party, unless requested by the Judge of the Superior Court."

1933, c. 109.

1608(nn). (Chapter 135, s. 10, 1925.) In line 5 strike out the word "may" and insert the word "shall." Applies to Mecklenburg County only.

1933, c. 279.

CHAPTER XXVIII
DEBTOR AND CREDITOR

- 1632.** Sub-section 1, repealed.
1933, c. 228, s. 9.

CHAPTER XXX
DIVORCE AND ALIMONY

- 1659.** Vol. III. In line two, sub-section four, strike out the word "five" and insert the word "two" and in line three strike out the words "that period" and insert the words "one year."
1933, c. 71, s. 1.

1659(a). Now reads: "Marriages may be dissolved and the parties thereto divorced from the bonds of matrimony, on application of either party, if and when there has been a separation of husband and wife, either under deed of separation or otherwise, and they have lived separate and apart for two years, and the plaintiff in the suit for divorce has resided in the State for a period of one year." This section shall be in addition to other acts and not construed as repealing other laws.
1933, c. 163.

- 1661.** In line eleven strike out the words "two years" and insert the words "one year."
1933, c. 71, s. 3.

Affidavit need not set forth that the grounds for divorce have existed for six months prior to the filing of complaint nor to allege or prove such fact.
1933, c. 71, s. 2.

CHAPTER XXXI
DOGS

- 1673-1684.** Cherokee, Macon, Clay and Swain Counties exempted from operation these sections.
1933, c. 90, 149, 301.

1681. All of section after the word "collected" not applicable to Lincoln, Columbus, Duplin and Moore Counties.
1933, c. 28, 387, 477 and 526.

- 1681.** Section repealed as to Avery and Mitchell Counties.
1933, c. 273.

1681. Amended as to Surry County so that no part of any taxes collected shall be liable for damages to persons or property.
1933, c. 310.

1681. Add at end: (Applicable only to Guilford and Forsyth Counties.) "*Provided*, that when under authority of this section said board may, in its discretion, in lieu of the procedure above provided for in this section, require the claimant to appear before said board at its next regular meeting and furnish proof in support of said claim. After hearing the evidence submitted for and against said claim said board shall ascertain the amount of damages, if any, and shall order the same paid out of any monies arising from the tax on dogs, as provided for in this section. The claimant may, within ten days, appeal to the Superior Court by giving written notice to the said board as in cases of appeal from a Justice of the Peace."
1933, c. 547.

1681. (Applicable to Pitt County only.) All dog taxes collected in Pitt County to be applied to school fund. Add at end: "*Provided*, it shall be the duty of the County Commissioners of Pitt County, upon complaint made to them of the injury to any person by any dog, upon satisfactory proof of such injury, to pay in their discretion, to such person or persons, out of the funds created by said act (c. 116, 1919), any part or all of the reasonable expenses incurred by such person or persons in being treated for the injury inflicted in the manner and way aforesaid."
1933, c. 561.

- 1681.** As amended by c. 283, 1931, add Onslow to counties to which amendment applies.
1933, c. 200.

CHAPTER XXXIV
ESTATES

1744. Vol. III. In line eleven of Chapter 124, 1927, amending section, strike out the word "and" between the words "property" and "re-investment" and insert the following: "for the purpose of obtaining funds for improving other non-productive and unimproved real estate so as to make the same profit-bearing, all to be done under order of Court, or."
1933, c. 123.

CHAPTER XXXV
EVIDENCE

1802. In line eleven after the word "wife" where it occurs for the second time, insert the words "and/or his children."
1933, c. 13.

1802. In line twelve after the word "support" insert the words "and/or the support of his child-
ren."
1933, c. 361.

CHAPTER XXXVI
FENCES AND STOCK LAW

1864. Vol. III. Applying only to Duplin County. In line six after the word "feedstuff" insert the words "or strawberries or any other truck crop."
1933, c. 186.

1864(a). Vol. III. Placing certain portions of Onslow County under the provisions of the Stock Law (sections 1841-1864).
1933, c. 151.

1864. Vol. III. Columbus added to list of counties.
1933, c. 308.

CHAPTER XXXVII
FISH AND FISHERIES

1889. Lines four to twelve amended to read as follows: "On any boat or vessel without cabin or deck, and under custom house tonnage, using scrapes or dredges, measuring over all twenty-five feet and under thirty, a tax of two dollars and fifty cents; fifteen feet and under twenty-five feet, a tax of one dollar and fifty cents; on any boat or vessel with cabin or deck and under custom house tonnage, using scrapes or dredges, measuring over all thirty feet or under, a tax of four dollars; over thirty feet, a tax of five dollars; on any boat or vessel using scoops, scrapes or dredges required to be registered or enrolled in the custom house, a tax of seventy-five cents a ton on gross tonnage."
1933, c. 106, s. 1.

1890. In line three strike out the words "two dollars" and insert the words "seventy-five cents."
1933, c. 106, s. 2.

1891. Vol. III. (Section as found in Vol. III rewritten in c. 168, 1925.) In line four strike out words "twenty-five cents" and insert "fifty cents."

In line seven strike out "one dollar and twenty-five cents" and insert "seventy-five cents."

In line eleven strike out "two dollars" and insert "one dollar and fifty cents."

Strike out all of line twelve.

In line thirteen strike out "one dollar" and insert "fifty cents."

In line 15 strike out "one dollar" and insert "fifty cents."

In line seventeen strike out "one dollar and twenty-five cents" and insert "seventy-five cents."

In line nineteen and twenty strike out "one dollar and seventy-five cents" and insert "one dollar."

Strike out lines 22, 23, 24, 25 and 26.

1933, c. 106, s. 3.

1891. As amended by Chapter 168, 1925, strike out line 31 and insert the words "Fyke nets, twenty-five cents each," and in line 46 of said chapter strike out the words and figures "five dollars" and insert the words and figures "two dollars and fifty cents (\$2.50)."
1933, c. 433.

1892. In lines 6, 7, 8 and 9 strike out the words "five dollars" and insert the words "two dollars and fifty cents."

Beginning in line 11 strike out the words "that (1) the license tax for shucking or selling oysters and clams on local markets by retail shall be fifty cents a year."

1933, c. 106, s. 4.

1893. (See Vol. III.) Strike out lines 5, 6, 7, 8, 9, 10, 11 and 12 and insert the following: "Oysters, two cents a bushel, except coon oysters, one cent a bushel; scallops, five cents a gallon; clams, four cents a bushel; soft crabs, one and one-quarter cents a dozen; shrimp, cooked or green, fifteen cents per one hundred pounds."

Provided, however, no license tax shall be imposed or required for trot lines used for taking hard crabs from public grounds: *Provided, further,* that no license tax shall be imposed or required for power boats used for dredging scallops or crabs: *Provided, further,* that no license shall be required of any person who takes oysters for shucking and sells such oysters at retail on local markets.

1933, c. 106, s. 5.

1893. Add new section: "1893(a) There shall be levied annually upon each trawl boat, or boat used for trawling purposes, documented in the custom house, a license tax of twenty-five cents per gross ton, and on each trawl boat, or boat used for trawling purposes, not documented in the custom house, a license tax of two dollars, and a tax of one dollar for each net."

1933, c. 106, s. 6.

1908. In line 3 strike out the words "one dollar" and insert the words "fifty cents" and in line four strike out "two dollars" and insert "one dollar."

1933, c. 346.

1970. In line 2, strike out the words "except such as is fastened to stakes."

1933, c. 435.

1970. Add at end: "*Provided,* that this section shall not apply to persons who maintain and operate a stationary fishery in Onslow County."

1933, c. 51.

2015. Add at end: "*Provided,* it shall be lawful on the Roanoke River from Halifax to the Power Dam at Roanoke Rapids to fish from January 1st to June 1st of each year with skim nets, dip nets, and fish traps with or without wings or hedgings."

1933, c. 336.

2066. To clarify regulations as to use of haul seines in Onslow County.

1933, c. 253.

2078(r). (Michie.) (c. 351, 1931.) Add at end: "*Provided*, that any non-resident of the State desiring to fish for one day or more in the waters of the State of North Carolina may do so upon payment to the Clerk of the Court or Game Warden of the county in which the non-resident desires to fish the sum of sixty cents (60¢) for each day, the sum of ten cents (10¢) of said sum to go to the selling agent of said license or permit, and upon the payment of said sum of sixty cents (60¢) the Clerk of the Court or Game Warden shall issue a permit allowing said non-resident to fish."

1933, c. 236.

2078(ee). (Michie.) (c. 198, 1929.) Add at end: "*Provided*, that any commercial fisherman who has paid the required license or licenses upon his fishing nets, devices or gear shall not be required to pay an additional license to deal in live fish for propagation purposes."

In line 5 of section 1, c. 198, 1929, strike out the word "twenty-five" and insert the word "five."

1933, c. 430.

CHAPTER XL

GUARDIAN AND WARD

2187. Add at end: "Where a corporation is guardian, the president, cashier, trust officer or the person or persons having charge of the particular estate for said corporation, or the person to whom the duty of making reports of said estate has been assigned by the officers or directors of said corporation, may be proceeded against and committed to jail as herein provided as if he or they were the guardian or guardians personally. *Provided*, it is found as a fact that the failure or omission to file such account or to obey the order of the Court in reference thereto is willful on the part of the officer charged therewith: *Provided, further*, the corporation itself may also be fined and/or removed as such guardian for such failure or omission."

1933, c. 317.

2202. Add new article: "Article 10." The act provides for the appointment of guardians of the estates of missing persons. General laws relating to guardianships and Chapter 40 of the Consolidated Statutes applicable to guardians appointed under this act.

1933, c. 49.

2202(10), etc. (Michie.) (Chapter 33, 1929.) In section 10 strike out the last two sentences and insert the following: "At the time such account is filed the Clerk of the Superior Court shall require the guardian to exhibit to the Court all investments and bank statements showing cash balance and the Clerk of Superior Court shall certify on the original account and the certified copy which the guardian sends the Bureau that an examination was made of all investments and cash balance and that same are correctly stated in the account. If objections are raised to such accounting, the Court shall fix a time and place for the hearing thereon not less than fifteen days nor more than thirty days from the date of filing such objections, and notice shall be given by the Court to the aforesaid Bureau office and State Service Officer by mail not less than fifteen days prior to the date fixed for the hearing. Notice of such hearing shall also be given to the guardian."

Section 13 of said chapter now reads: "Sec. 13. *Investment of Funds.* Every guardian shall invest the funds of the estate in any of the following securities:

"(a) United States Government bonds.

"(b) State of North Carolina bonds issued since the year one thousand, eight hundred and seventy-two.

"(c) By loaning the same upon real estate securities in which the guardian has no interest, such loans not to exceed fifty per cent (50%) of the actual appraised or assessed value, whichever may be lower, and said loans when made to be evidenced by a note, or notes, or bond, or bonds, under seal of the borrower and secured by first mortgage or first deed of trust. Said guardian before making such investment on real estate mortgages shall secure a certificate of title from some reputable attorney certifying that the same is the first lien on real estate and also setting forth the tax valuation thereof for the current year: *Provided*, said guardian may purchase with said funds a home or farm for the sole use of said ward or his dependents upon petition and order of the Clerk of the Superior Court, said order to be approved by the resident or presiding judge of the Superior Court and, *Provided, further*, that copy of said petition shall be forwarded to said bureau before consideration thereof by said Court.

"It shall be the duty of guardians who shall have funds invested other than as provided for in this section to liquidate same within one year from the passage of this act: *Provided, however*, that upon the approval of the Judge of the Superior Court, either residing in or presiding over the courts of the district, the Clerk of the Superior Court may authorize the guardian to extend from time to time, the time for sale or collection of any such investments; that no extension shall be made to cover a period of more than one year from the time the extension is made.

"The Clerk of the Superior Court of any county in the State or any guardian who shall violate any of the provisions of this act shall be guilty of a misdemeanor, punishable by fine or imprisonment or both in the discretion of the Court."

1933, c. 262.

CHAPTER XLII

INSANE PERSONS AND INCOMPETENTS

2285. Vol. III. Add at end: "The sheriffs of the several counties to whom a process is directed under the provisions of this section shall serve the same without demanding their fees in advance. And the juries of the several counties upon whom a process is served under the provisions of this section shall serve and make their returns without demanding their fees in advance."

1933, c. 192

2304(f). Vol. III. Add at end: "*Provided*, that, if in the course of care and treatment of said inebriates it develops that they have criminal, mental, or other symptoms indicating they cannot be properly taken care of in this department, the Superintendent of the Hospital is hereby authorized to transfer such patients to any other department under his care, that, in his opinion, the circumstances may justify."

1933, c. 341.

New article added at end of chapter providing for temporary care of inebriates, drug addicts and insane persons.

1933, c. 213.

2304(h), etc. Chapter 34, 1929, rewritten.

1933, c. 224.

CHAPTER XLV

JURORS

2312. Add at end: "*Provided*, that in Macon County the non-payment of taxes for the preceding year or years shall not prevent such person, if otherwise eligible, from serving on any jury drawn from the present or future jury lists. *Provided*, further, that the amount due such delinquent taxpayer serving as juror shall be credited on the taxes due by said juror."

1933, c. 62.

2314. Applicable to Guilford, Wake, Forsyth, Buncombe, Catawba, Cabarrus, Iredell and Haywood Counties.

Add at end: "*Provided*, that regular jurors drawn, summoned, and in attendance upon any term of a Superior Court, regular or special, in any county, or upon any terms of a General County Court or Civil County Court when not serving upon the trial of any case in the Court to which he was summoned, may be ordered by the judge presiding in such Court to attend and serve as a juror in the trial of any case pending in any other of said Courts in such county, and shall be competent to serve as a regular juror in such other Court under the law applicable to trials by jury."

1933, c. 89.

2326. In line 4 after the word "tried" insert "or has not paid the taxes assessed against him during the preceding two years."

1933, c. 130.

2334. Vol. III. Add at end: "A grand jury for Union County shall be selected at each January term of the Superior Court in the usual manner by the presiding judge, which said grand jury shall serve for a period of one year from the time of their selection."

1933, c. 29.

2334. Vol. III. Providing for the expiration of term of present Wake County grand jury by January 1, 1934 and providing for their selection as follows: "At each May, September and January Terms of the Criminal Court six jurors shall be drawn and the terms of those grand jurors having served twelve months shall expire and the presiding judge shall appoint a foreman and an assistant foreman of the grand jury and said assistant foreman so appointed in the absence of disqualification of the foreman shall discharge the duties of the foreman of said grand jury and said presiding judge shall also charge them as provided by law, the appointment of foreman, assistant foreman and the charge of the grand jury to be made at the terms at which the new members of the grand jury are selected: *Provided*, that at any time the Judge of the Superior Court presiding over either criminal or civil court in said county may call said grand jury to assemble and may deliver to the said grand jury an additional charge."

By this Wake County is struck from line 4, section 2334, relating to selection of grand juries.

1933, c. 74.

Selection of grand jury in Henderson same as in Gates County.

1933, c. 92.

CHAPTER XLVI

LANDLORD AND TENANT

2355. Add at end of section: "*Provided*, that when advances have been made by the Federal Government, or any of its agencies, to any tenant or tenants on lands under the control of any guardian, executor, and/or administrator for the purpose of enabling said tenant or tenants to plant, cultivate and harvest crops grown on said land, the said guardian, executor, and/or administrator may waive the above lien in favor of the Federal Government, or any of its agencies, making said advances."

1933, c. 219.

2365. Applicable to Johnston County. In line 6, after the word "cases" insert "*Provided*, the landlord shall pay said tenant or lessee all just set-offs and counter-claims before execution shall be issued."

1933, c. 390.

2366. Insert the word "Pasquotank" in last line of section.

1933, c. 86.

2366. After the word "Pitt" insert the word "Polk."

1933, c. 485.

2373. Vol. III. In line 3 strike out the word "Cabarrus."

1933, c. 154.

2490. Repealed as to Beaufort County and new form set-up.

1933, c. 101.

CHAPTER L

MARRIAGE

2494. Vol. III. Add at end: "*Provided*, that all couples resident of the State of North Carolina who marry in another State must file a copy of their marriage certificate in the office of the Register of Deeds of the home county of the groom within thirty days from the date of their return to the State as residents, which certificate shall be indexed on the marriage license record of the office of the Register of Deeds and filed with marriage license in his office; that the fee for the filing and indexing said certificate shall be fifty cents: *Provided*, the failure to file said certificate shall not invalidate the marriage."

1933, c. 269.

2500(e). Vol. III. Add new section: "2500(f). The Register of Deeds of the several counties of the State shall require, before issuing a marriage license, that the groom shall file with him an affidavit setting forth that he does not have active Tuberculosis or any Venereal disease, and has not had either of said diseases for a period of two years prior thereto. The affidavit must be signed by the maker and sworn to before the Register of Deeds or any other person authorized to administer oaths; *Provided, however*, that when the affidavit is made before the Register of Deeds, he shall not make any charge therefor. The applicant, in lieu of making affidavit may file a certificate of health as provided by law before the passage of this act."

"Upon the applicant complying with either of the provisions of the foregoing section the Register of Deeds may issue a license to marry; *Provided*, the contracting parties are otherwise qualified to marry according to law; *Provided, further*, that the bride shall not be required to stand a physical examination."

1933, c. 256.

2500(aa). Vol. III. Chapter 161, 1929, requiring five days' notice before marriage license issued repealed.

1933, c. 12.

CHAPTER LII

MILLS

2532. Section does not apply to Hertford, Bertie and Hyde Counties.

1933, c. 150.

Does not apply to Cleveland County.

1933, c. 158.

In Pender County the toll is one-sixth instead of one-eighth.

1933, c. 298.

CHAPTER LIV

MORTGAGES AND DEEDS OF TRUST

2578. In line 5, after the word "administrator" insert the words "or collector."

1933, c. 199.

2583. In line 3, after the word "executed" insert the words "and/or recorded."

In line 4, after the word "state" insert the words "or has disappeared from the community of his residence and his whereabouts remains unknown in such community for a period of three months and cannot, after diligent inquiry be ascertained."

In line 6, after the word "executed" insert the words "and/or recorded."

1933, c. 493.

2591. Amended so that the first sentence now reads: "In the foreclosure of mortgages or deeds of trust on real estate by order of Court in foreclosure proceedings either in the Superior Court or in actions at law or in the case of the public sale of real estate by an executor, administrator or administrator with the will annexed, or by any person by virtue of the power contained in a will or sale under execution duly issued, the sale shall not be deemed to be closed under ten days."

1933, c. 482.

2593(a). Vol. III. Add new sections as follows: "2593(b). Any owner of real estate, or other person, firm or corporation having a legal or equitable interest therein, may apply to a judge of the Superior Court, prior to the confirmation of any sale of such real estate by a mortgagee, trustee, commissioner or other person authorized to sell the same, to enjoin such sale or the confirmation thereof, upon the ground that the amount bid or price offered therefor is inadequate and inequitable and will result in irreparable damage to the owner or other interested person, or upon any other legal or equitable ground which the Court may deem sufficient: *Provided*, that the Court or judge enjoining such sale or the confirmation thereof, whether by a temporary restraining order or injunction to the hearing, shall, as a condition precedent, require of the plaintiff or applicant such bond or deposit as may be necessary to indemnify and save harmless the mortgagee, trustee, *cestui que* trust, or other person enjoined and affected thereby against costs, depreciation, interest and other damages, if any, which may result from the granting of such order or injunction: *Provided, further*, that in other respects procedure shall be as is now prescribed by law in cases of injunction and receivership, with the right of appeal to the Supreme Court from any such injunction."

1933, c. 275, s. 1.

"2593(c). The Court or judge granting such order or injunction, or before whom the same is returnable, shall have the right before, but not after, any sale is confirmed to order a re-sale by the mortgagee, trustee, commissioner or other person authorized to make the same in such manner and upon such terms as may be just and equitable: *Provided*, the rights of all parties in interest, or who may be affected thereby, shall be preserved and protected by bond or indemnity in such form and amount as the Court may require, and the Court or judge may also appoint a receiver of the property or the rents and proceeds thereof, pending any sale or re-sale, and may make such order for the payment of taxes or other prior lien as may be necessary, subject to the right of appeal to the Supreme Court in all cases."

1933, c. 275, s. 2.

"2593(d). When any sale of real estate or personal property has been made by a mortgagee, trustee, or other person authorized to make the same, at which the mortgagee, payee or other holder of the obligation thereby secured becomes the purchaser and takes title either directly or indirectly, and thereafter such mortgagee, payee or other holder of the secured obligation, as aforesaid, shall sue for and undertake to recover a deficiency judgment against the mortgagor, trustor or other maker of any such obligation whose property has been so purchased, it shall be competent and lawful for the defendant against whom such deficiency judgment is sought to allege and show as matter of defense and off-set but not by way of counter-claim, that the property sold was fairly worth the amount of the debt secured by it at the time and place of sale or that the amount bid was substantially less

than its true value, and upon such showing, to defeat or off-set any deficiency judgment against him, either in whole or in part: *Provided*, this section shall not affect or apply to the rights of other purchasers or of innocent third parties, nor shall it be held to affect or defeat the negotiability of any note or other obligation secured by such mortgage, deed of trust or other instrument: *Provided, further*, this section shall not apply to foreclosure sales made pursuant to an order or decree of Court nor to any judgment sought or rendered in any foreclosure suit nor to any sale heretofore made and confirmed."

1933, c. 275, s. 3.

Above sections not applicable to tax foreclosure suits or sales.

"2593(e). In all sales of real property by mortgagees and/or trustees under powers of sale contained in any mortgage or deed of trust hereafter executed, or where judgment or decree is given for the foreclosure of any mortgage executed after the ratification of this act to secure payment of the balance of the purchase price of real property, the mortgagee or trustee or holder of the notes secured by such mortgage or deed of trust shall not be entitled to a deficiency judgment on account of such mortgage, deed of trust, or obligation secured by the same: *Provided*, said evidence of indebtedness shows upon the face that it is for the balance of purchase money for real estate: *Provided, further*, that when said note or notes are prepared under the direction and supervision of the seller or sellers, he, it, or they shall cause a provision to be inserted in said note disclosing that it is for purchase money of real estate; in default of which the seller or sellers shall be liable to purchaser for any loss which he might sustain by reason of the failure to insert said provision as herein set out."

1933, c. 36.

CHAPTER LV

MOTOR VEHICLES

2613(1). (Michie.) Chapter 136, 1927, s. 3, sub-section (f). First six and a half lines amended to read as follows: "The Commission may refuse to grant any application for a franchise certificate where the granting of such application would duplicate in whole or in part, a previously authorized similar class of service."

1933, c. 440, s. 1.

2613(x). (Michie.) Sec. 17 of Chapter 136, 1927, repealed.

1933, c. 440, s. 2.

CHAPTER LVI

MUNICIPAL CORPORATIONS

2623. Vol. III. In sub-section 6 in the last line strike out the words "But this sub-section shall not apply to Cumberland County."

1933, c. 69.

2649. In line 3, strike out the words "and in the town of Shelby."

1933, c. 102.

2649-2672. Not applicable to elections in Winston-Salem.

1933, c. 77, s. 3, Private Laws.

2694, 2696, 2697, 2699 and 2702. Sections amended requiring 10% of registered voters and a levy of not less than 3 nor more than 10 cents for the establishment of a library. Librarians hereafter appointed required to have library certificate and providing for a Library Certification Board.

1933, c. 365.

2717(b). (Michie.) Sec. 1, c. 249, 1931, amended to read as follows: "At any time or times prior to July first, one thousand nine hundred and thirty-five, the governing body of any city or town may adopt a resolution granting an extension of time for the payment of installment and accrued interest thereon of any special assessment for local improvements due prior to July first, one thousand nine hundred and thirty-two, so that the first of such installments so extended may be payable not later than one year from the date when the final installment of the original special assessment becomes due, and the last of such installments so extended shall become due not later than ten years from the first of such installments, and so that each other installment so extended may be payable annually thereafter in serial order: *Provided, however*, no such extension shall in any way discriminate in favor of or against any property assessed by virtue of the same assessment roll: *Provided, further*, that such extensions shall not prevent the payment of any assessment or interest at any time: *Provided, further*, that special assessments extended in accordance with the provisions of this act shall bear interest at the rate of six per centum per annum from the due date of the last installment of the original assessment or any extension thereof heretofore legally made."

1933, c. 410, 252.

2751. Add new section: "2751(a). Upon written application, approved by the Local Building Inspector, the Insurance Commissioners of North Carolina may, if it is deemed advisable, allow the exterior wall, but not party walls, in business buildings to be built to the level of the roof deck without requiring a parapet wall. *Provided*, such buildings are not located in the fire district." Applies to Durham County only.

1933, c. 254.

2768. Applies to Lenoir County only. Add: "No inspection fee shall be charged in the cities and towns in Lenoir County for the repair, or alteration of any building in cases where the estimated cost of the repairs or alterations is less than one hundred dollars."

1933, c. 294.

2776(s). Vol. III. Forsyth County added to counties to which c. 176, 1931, does not apply.

1933, c. 7.

2776(s). Vol. III. Applying only to Elizabeth City. Add: "*Provided, however, that in any district or zone created hereunder in which buildings or structures are permitted to be used for any one of the following purposes: Retail stores, shoe shops, barber shops, pressing shops, restaurants, confectioneries, offices, hotels, theatres, assembly halls, news stands, wholesaling or jobbing; then it shall be lawful to operate, construct or use such buildings in such district for the purpose of operating therein or thereon service stations, for the purpose of selling gasoline, oil, etc.; and garages for the purpose of repairing and servicing motor vehicles, etc.*"

1933, c. 263.

2806. Addnew sub-section: "*2806(1). Authority to fix sewerage charges: lien thereof.* The governing body of any municipality, maintaining and operating a system of sewerage, including sewerage treatment works, if any, is hereby authorized to charge for sewerage service, to determine and fix a schedule of charges to be made for such service, to fix the time and manner in which such sewerage service charges shall be due and payable and to fix a penalty for the non-payment of the same when due. In no case shall the charges, rents or penalties be a lien upon the property served and in cases where the service is rendered to a tenant and the tenant removes from the premises, the municipality shall not charge against the owner thereof the service charges or penalties for said service." Does not apply to counties of Transylvania, Mecklenburg and Davie.

1933, c. 322.

2808. Add at end of section: "*Provided, further, that where the water may be out off under the provisions of this section for the failure of the occupant of the premises to pay his water bill, and such occupant is not the owner of the premises, but occupies said premises as a tenant, it shall not be lawful for the board in charge of management of the water works to require the payment of such delinquent bill, before turning on the water at the instance of a new and different tenant or occupant of said premises. This proviso shall not apply in cases where the premises are occupied by two or more tenants serviced by the same water meter.*"

Does not apply to Caldwell County.

1933, c. 140 and c. 368.

2808. Strike out first sentence and insert the following: "*The governing body, or such board or body which has the management and control of the waterworks system in charge, may fix such annual rents or rates for water or water service as will provide for the payment of the annual interest on existing bonded debt for such waterworks system, for the payment of the annual installment necessary to be raised for the amortization of the debt, and the necessary allowance for repairs, maintenance, and operation, and when the city shall own and maintain both waterworks and sewerage systems, including sewage disposal plants, if any, the governing body shall have the right to operate such system as a combined and consolidated system, and when so operated to include in the rates adopted for the waterworks a sufficient amount to provide for the payment of the annual interest on the existing bonded debt for such sewerage system or systems, for the payment of the annual installment necessary to be raised for the amortization of such debt, and the necessary allowance for repairs, maintenance and operation.*"

This amendment does not apply to Haywood, Transylvania, Ashe or Mecklenburg Counties, or municipalities therein.

1933, c. 353.

2847. Add at end: "*In cities having a population of eighty thousand (80,000), as shown by the last census, in which it is proposed to adopt plan 'B' the petition shall be signed by ten per cent of the qualified voters of said city.*"

1933, c. 80, s. 5.

2868. In line 3, after the words "pro tem" insert: "*In cities of over eighty thousand (80,000) population, as shown by the last census, the City Council or Aldermen shall consist of twelve members, one shall be elected from each ward by and from the qualified voter of that ward. That on or before March 1, 1933, the Governing Body of each city of over eighty thousand (80,000) inhabitants shall, and it is made mandatory on them to divide the said city into twelve wards as nearly equal as possible as to population.*" Heads of departments elected under Section 2896 to be under supervision of mayor.

1933, c. 80, ss. 1 and 3. *

2871. In lines 9 and 10, strike out the words "nor more than thirty-five hundred dollars" and insert "nor more than five thousand dollars."

1933, c. 80, s. 2.

2919. Vol. III. (As amended by c. 60, 1931.) Strike out the words "incurred before July first, one thousand nine hundred and thirty-one," wherever they occur in section.

1933, c. 259, s. 1(a).

2933. Vol. III. (As amended by c. 60, 1931.) Strike out the words "January first, nineteen hundred and thirty-one" and "the first day of January, one thousand nine hundred and thirty-one" and insert in lieu thereof, the words "July first, one thousand nine hundred and thirty-three."

1933, c. 259, s. 1(b).

2937. Vol. III. As rewritten in s. 48, c. 60, 1930. Strike out the proviso and add at end of section: "*It includes debts evidenced by bonds, bond anticipation notes, revenue anticipation notes, judgments and unpaid interest on said debts accrued to the date of the bonds issued. Bond anticipation notes evidencing debts incurred before July first, one thousand nine hundred and thirty-three, may at the option of the governing body, be retired either by means of funding bonds issued under this section or by means of bonds in anticipation of the sale of which the notes were issued. It also includes debts assumed by a municipality as well as debts created by a municipality.*"

1933, c. 259, s. 1(c).

2938. Vol. III. As amended by c. 60, 1931, strike out the words "incurred before July first, nineteen hundred and thirty-one."

1933, c. 359, s. 1(a).

2938. Vol. III. Sub-section 2(a) now reads: "In brief and general terms the purpose for which the bonds are to be issued, including, in the case of funding or refunding bonds a brief description of the indebtedness to be funded or refunded sufficient to identify such indebtedness."
1933, c. 259, s. 1(d).

2938. Vol. III. Sub-section 2(c). Add: "*Provided*, in lieu of the foregoing and in the case of funding or refunding bonds, such statement with respect to an annual tax may in the discretion of the governing body, be altered or omitted;"
1933, c. 259, s. 1(d).

2939. Vol. III. Add at end: "Separate issues of funding and/or refunding bonds may be made under authority of the same bond ordinance for the retirement of two or more different debts or classes of debts."
1933, c. 259, s. 1(e).

2942. Vol. III. As amended by s. 50, c. 60, 1931, in line 6, of sub-section 7, strike out the word "thirty" and insert "fifty;" insert a period after the word "years" and strike out balance of section.
1933, c. 259, s. 1(f).

2943. Vol. III. Sub-section 1, paragraph (1) under (a), now reads: "Outstanding debt not evidenced by bonds."
1933, c. 259, s. 1(a).

2951. Vol. III. In line 3, after the word "semi-annually" insert the words "or otherwise."
1933, c. 259, s. 1(g).

2952. Vol. III. Strike out amendment of 1931 and add: "This section shall not apply to funding or refunding bonds."
1933, c. 259, s. 1(h).

2959. Vol. III. Add at end: "*Provided*, in the case of funding or refunding bonds which do not mature in installments, as provided in Section 2952 of this act, a tax for the payment of the principal of said bonds need not be levied prior to the fiscal year or years said bonds mature unless it is so provided for in an ordinance or resolution passed before the issuance of said bonds, in which case such tax shall be levied in accordance with the provisions of such ordinance or resolution."
1933, c. 259, s. 1(i).

CHAPTER LXIII

PARTITION

3225. Insert new section: "3225(a). Section 1. In all cases where land has been conveyed by deed, or devised by will, upon contingent remainder, executory devise, or other limitation, where a judgment of partition has been rendered by the Superior Court authorizing a division of said lands upon the petition of the life tenant or tenants and all other persons then in being who would have taken such land if the contingency had then happened, and those unborn being duly represented by a guardian *ad litem*, such judgment of partition authorizing a division of said lands among the respective life tenants and remaindermen, or executory devisees, shall be valid and binding upon the parties thereto and upon all other persons not then in being: *Provided*, that nothing herein contained shall be construed to impair or destroy any vested right or estate."
1933, c. 215.

3240. Add at end: "*Provided, however*, that in case a re-sale of such real property shall become necessary under such proceeding, that such real property shall then be re-sold only after notice of re-sale has been duly posted at the court house door in the county for fifteen days immediately preceding the re-sale and also published at any time during such fifteen day period once a week for two successive weeks of not less than eight days in some newspaper published in the county, if a newspaper is published in the county, but if there be no newspaper published in said county, the notice of re-sale must be posted at the court house door and three other public places in the county for fifteen days immediately preceding the re-sale."
1933, c. 187.

CHAPTER LXV

PROBATE AND REGISTRATION

3333. Add new section: "3333(a). The Clerk of the Superior Court may order registered any deed, or other conveyance of land, in all cases where the instrument and probate bears date prior to January first, one thousand nine hundred and seven (1907) where the acknowledgment, privy examination, or other proof of execution, has been taken or had before a notary public residing in the county where the land is situate, where said officer failed to affix his official seal, and where the certificate of said officer appears otherwise to be genuine."
1933, c. 439.

Validating defective probates taken in Clay County before a Justice of the Peace during 1927.
1933, c. 530.

3366(i). Vol. III. Add at end: "In all cases where the deed of a corporation executed before the first day of January, 1918, is properly executed, properly recorded and there is error in the probate of said corporation's deed as to the name or names of the officers in said probate, said deed shall be construed to be a deed of the same force and effect as if said probate were in every way proper."
1933, c. 412.

CHAPTER LXVI

PROHIBITION

3401. Repealed except as to Caswell, Chowan and Wilson. No public-local law applying to these or other counties repealed.

Fee in Surry, Avery, Northampton, Greene and Alamance, \$5; in Yadkin, Graham and Jackson, not over \$5.

1933, c. 480.

Fee in Warren limited to \$5.

Section not applicable to Moore and Lenoir Counties.

1933, c. 246.

3402. Repealed except as to Caswell, Chowan and Wilson. No public-local law applying to these or other counties repealed.

1933, c. 480.

3411(x). Vol. III. Add at end: "Provided, further, that the provisions of this section shall not apply to Moore and Lenoir Counties."

1933, c. 246, s. 2.

Fee of not more than \$10 allowed in Burke County.

1933, c. 136.

CHAPTER LXVII

RAILROADS AND OTHER CARRIERS

3464-3470. Electric Street Railroads placed under Workmen's Compensation Law and sections amended accordingly.

Mecklenburg County exempted.

1933, c. 401.

3481. Add at end: "The Corporation Commission, or its successor, however, shall have and is hereby vested with the power in any case in which the convenience and necessity of the traveling public do not require the running of passenger trains upon its railroad to authorize such railroad company to cease the operation of passenger trains as long as the convenience and necessity of the traveling public shall not require such operation: *Provided*, that this Act and any ruling hereafter made by the Corporation Commission, or its successors, shall not be construed as abrogating or repealing the provisions of any charter of franchise requiring common carrier to furnish daily freight service over its line, nor cause the discontinuance of daily freight service where now maintained."

1933, c. 528.

3484. Vol. III. Add at end: "Nothing contained in the provisions of this section shall have the effect to relieve any such railroad company from any civil liability now existing by statute or under the common law for the act or acts of such policemen, in exercising or attempting to exercise the powers conferred by this section."

Does not apply to pending litigation.

1933, c. 61.

3536-3539. Provisions extended to motor buses used as common carriers.

1933, c. 489.

CHAPTER LXX

ROADS AND HIGHWAYS

3838. Add new section: "3838. That all those portions of the public road system of the State which have not been taken over and placed under maintenance or which have been abandoned by the State Highway Commission, but which remain open and in general use by the public, and all those roads that have been laid out, constructed, or reconstructed with unemployment relief funds under the supervision of the Department of Public Welfare, are hereby declared to be neighborhood public roads, and they shall be subject to all of the provisions of this act with respect to the alteration, extension, or discontinuance thereof, and any interested citizen is authorized to institute such proceedings, and in lieu of personal service with respect to this class of roads, notice by publication once a week in any newspaper published in said county, or in the event there is no such newspaper, by posting at the court house door and three other public places, shall be deemed sufficient. Upon request of the Board of County Commissioners of any county, the State Highway Commission is permitted, but it is not required to lend assistance to the local authorities in placing such roads in a passable condition without incorporating the same into the State or County Systems, and without becoming obligated in any manner for the permanent maintenance thereof."

1933, c. 302.

3846(f). Vol. III. Repealed as amended.

1933, c. 172, s. 15.

3846 (f-1). Now reads: It shall be unlawful for the State Highway Commission to pay or authorize the payment of an annual salary or compensation to any employee of that department in excess of the sum of six thousand dollars (\$6,000.00).

1933, c. 172, s. 16.

3846(j). Vol. III. Add new sub-section after (c): "(c). The State Highway Commission shall have authority to designate any highways upon the State system as 'Light Traffic Roads' when, in the opinion of the State Highway Commission, such roads are inadequate to carry and will be injuriously affected by the maximum legal traffic loads; and all such roads so designated shall be conspicuously posted as 'Light Traffic Roads' and shall be so shown by appropriate designation upon the

official maps published by the State Highway Commission; and the maximum load limits allowed by law for highways in this State shall, as to such light traffic roads, be reduced to the extent of twenty per cent. *Provided*, that no standard concrete highway or other highway built of material of equivalent durability shall be designated as a light traffic road."

1933, c. 517.

CHAPTER LXXI

SALARIES AND FEES

3857. 3857(a). Now reads: "The principal clerks of the General Assembly and Chief Clerk appointed by Secretary of State in Enrolling Office and Chief Engrossing Clerks of the House and Senate shall be allowed the sum of six dollars per day during the Session of the General Assembly, and mileage at the rate of five cents per mile from their homes to Raleigh and return. The Secretary to the Speaker of the House of Representatives, the Secretary to the Lieutenant-Governor, the Sergeant-at-Arms, the assistants to the Engrossing Clerks, the Assistant Clerks to the Principal Clerks, and the Assistant Sergeant-at-Arms of the General Assembly, and the assistants appointed by the Secretary of State to supervise the enrolling of bills and resolutions, the Reading Clerks of the General Assembly shall receive the sum of five dollars per day, and mileage at the rate of five cents per mile from their homes to Raleigh and return. The clerks to all committees which by the rules of either House are entitled to clerks, shall receive four dollars per day during the Session of the General Assembly, and mileage at the rate of five cents per mile from their homes to Raleigh and return. The Chief Page of the House of Representatives and Senate shall receive three dollars and fifty cents per day during the Session of the General Assembly, and mileage at the rate of five cents per mile from their homes to Raleigh and return. All other pages authorized by either of the two Houses shall receive two dollars and one-half per day during the Session of the General Assembly and mileage at the rate of five cents per mile from their homes to Raleigh and return. All laborers of the first class authorized by law or the rules of either the House of Representatives or the Senate shall receive three dollars per day during the Session of the General Assembly and all mileage at the rate of five cents per mile from their homes to Raleigh and return, and laborers of the second class the sum of two dollars per day and mileage at the rate of five cents per mile from their homes to Raleigh and return."

1933, c. 6.

3878. Now reads: "*Presidential Electors.* Presidential electors shall receive for their attendance at the meeting of said electors in the city of Raleigh, the sum of \$10.00 (ten dollars) per day and traveling expenses at the rate of 5c (five cents) per mile in going to and returning from said meeting."

1933, c. 5.

3890. Vol. III. Now reads: "*Solicitors; General Compensation.* The several solicitors of the judicial districts of the State of North Carolina shall each receive, as full compensation for their services as solicitor, the sum of three thousand nine hundred dollars (\$3,900) per annum, to be paid in equal monthly installments out of the State Treasury upon warrants duly drawn thereon, which said salary shall be paid in lieu of all fees or other compensation."

1933, c. 78.

3890(a). Vol. III. Repealed.

1933, c. 78, s. 2.

3922. Fees of foreman grand jury \$3, other members \$2, in Scotland County.

1934, c. 138.

3993. Vol. III. Add at end: "*Provided, further*, that any sheriff, deputy sheriff, chief of police, patrolman, State highway patrolman, and/or any other law enforcement officer who receives a salary or compensation for his services from any source or sources other than the collection of fees, shall prove no attendance and shall receive no fee as a witness for attending at any superior or inferior criminal court sitting within the territorial boundaries in which such officer has authority to make an arrest."

1933, c. 40.

Applicable to Rutherford, Polk, McDowell, Cleveland and Henderson Counties add: "*Provided*, this act shall not apply to officers who, under contract of employment receive as a part of their compensation fees allowed by law."

1933, c. 495.

3903. Amendment of 1929 applying to Halifax County repealed.

1933, c. 91.

3903. Add at end: "The fee for filing, docketing and indexing transcripts of judgments in the offices of the several Clerks of the Superior Court in North Carolina shall be the same fee charged for filing, docketing and indexing transcripts of judgments in the office of the Clerk of the Superior Court of the county from which the transcript of judgment is sent to said county."

1933, c. 435.

3903. Vol. III. Add at end: "For the probate of a Federal Crop lien or a Federal chattel mortgage given to secure a seed and fertilizer loan from the United States Government, or crop production loans, live-stock loans, and/or other loans made by Regional Agriculture Credit Corporation of Raleigh, North Carolina, shall be limited to twenty-five cents for each probate."

1933, c. 160 and c. 266.

Does not apply to the counties of Haywood, Jackson, Macon, Brunswick, Harnett, Johnston, Polk, Moore, Wilson, Stokes, Hertford, Person, Surry.

1933, co. 281, 326, 393, 429, 437, 479, 514.

3903, etc. Schedule of fees in Harnett County.

1933, c. 75.

3904. Vol. III. Add "Scotland" to list of counties.
1933, c. 84.

3906. Add at end: "For registering a Federal Crop lien or a Federal chattel mortgage given to secure a seed and fertilizer loan from the United States Government, or crop production loans, live-stock loans, and/or other loans made by Regional Agriculture Credit Corporation of Raleigh, North Carolina, shall be limited to fifty cents for each lien or chattel mortgage."
1933, c. 160.

Counties as listed under 3903 also exempted.

3906. Add at end: "For preparing and issuing a certificate of encumbrance as required for Federal chattel mortgages and/or crop liens shall be limited to fifty (50) cents for each such certificate."
1933, c. 437.

3907. In line 4 strike out the word "Scotland" and in line 5 insert the word "Scotland."
1933, c. 48.

3908. Line 13 now reads: "Conveying prisoner to jail to another county, five cents per mile," line 66, between the commas now reads: "and five cents per mile by the route most usually traveled."
1933, c. 132.

CHAPTER LXXIV

SECURITIES LAW (Michie's Code 1931)

3924(b). In last line of sub-section (c), between the word "or" and the word "any" insert: "any contract or agreement in the promotion of a plan or scheme whereby one party undertakes to purchase the increase or production of the other party from the article or thing sold under the plan or scheme, or whereby one party is to receive the profits arising from the increase or production of the article or thing sold under the plan or scheme, or."
1933, c. 432.

CHAPTER LXXVIII

TRUSTEES

4018(a). Vol. III. Add new section: "4018(b). *Investment in building and loan associations.* Guardians, executors, administrators, clerks of the Superior Court and others acting in a fiduciary capacity may invest funds in their hands as such fiduciaries in stock of any building and loan association organized and licensed under the laws of this State; *Provided*, that no such funds may be so invested unless and until authorized by the Insurance Commissioner."
1933, c. 549.

CHAPTER LXXXI

WILLS

4149. In line 3, after the word "state" insert the words: "or in another county in this State than the one in which the will is being probated."
1933, c. 114.

CHAPTER LXXXII

CRIMES AND PUNISHMENTS

4183. Repealed to permit the issuance of scrip in Cumberland and Currituck Counties.
1933, c. 33 and c. 328.

4201. Add at end: "*Provided, however*, that in cases of involuntary manslaughter, the punishment shall be in the discretion of the Court, and the defendant may be fined or imprisoned or both."
1933, c. 249.

4215. Add at end: "*Provided*, that in all cases of assault, assault and battery, and affrays, wherein deadly weapons are used and serious injury is inflicted, and the plea of the defendant is self-defense, evidence of former threats against the defendant by the person alleged to have been assaulted by him, if such threats shall have been communicated to the defendant before the altercation, shall be competent as bearing upon the reasonableness of the claim of apprehension by the defendant, of death or serious bodily harm, and also as bearing upon the amount of force which reasonably appeared necessary to the defendant, under the circumstances, to repel his assailant."
1933, c. 189.

4221. Add new section: "4221(a). It shall be unlawful for any person, firm or corporation, or any individual, male or female, or its or their agents, to kidnap or cause to be kidnapped any human being, or to demand a ransom of any person, firm or corporation, male or female, to be paid on account of kidnapping, or to hold any human being for ransom; *Provided, however*, that this act shall not apply to a father or mother for taking into their custody their own child.

"Any person, or their agent, violating or causing to be violated any provision of this section shall be guilty of a felony, and upon conviction therefor, shall be punishable by imprisonment for life.

"Any firm or corporation violating, or causing to be violated through their agent or agents, any of the provisions of this act, and upon being found guilty, shall be liable to the injured party suing therefor, the sum of twenty-five thousand dollars (\$25,000), and shall forfeit its or their charter and right to do business in the State of North Carolina."

1933, c. 542.

4283(a). (1929, c. 273.) Add following to list of counties: Davidson, Anson, Carteret, Cumberland, Davie, Forsyth, Harnett, Hoke, Lee, Moore, Wayne, Jackson, Henderson, Stokes, Onslow, Macon, Currituck, Chowan, Vance, Edgecombe, Northampton, Stanly, Cabarrus, Mitchell, Yancey, Avery, Alamance, Franklin and Yadkin.

1933, c. 43.

Add: Surry, Henderson, Greene, Edgecombe, Franklin.
1933, cc. 64, 93, 170, 265, 362.

Add: Swain, Clay, Graham, Macon, Cherokee, Greene and Scotland.
1933, c. 458.

4284. Section 2, c. 103, 1929, amending this section now reads: "This act shall only apply to Martin, Pitt, Wake, Watauga, Buncombe, Jackson and Franklin Counties."
1933, c. 531.

4352. In line 8 strike out the word "Gates."
1933, c. 309

4391. Add new section: "4391(a). No person, agent, representative or salesman shall solicit or attempt to sell or explain any article of property or proposition to any teacher or pupil of any public school on the school grounds or during the school day without having first secured the written permission and consent of the superintendent, principal or person actually in charge of the school and responsible for it.

"Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined or imprisoned in the discretion of the Court."
1933, c. 220.

4428. Add at end: "Any person who shall have in his possession any tickets, certificates or orders used in the operation of any lottery shall be held liable under this section, and the mere possession of such tickets shall be *prima facie* evidence of the violation of this statute."
1933, c. 434.

4458. Add new sub-section: "10. By a fine of fifteen dollars or imprisonment for ten days for the first offense; by a fine of twenty-five dollars or imprisonment for twenty days for the second offense; by a fine of fifty dollars or imprisonment for thirty days for the third and subsequent offenses, in the King High School District, Stokes County."
1933, c. 287.

4458. Add new sub-section: "11. By a fine of not less than five dollars or more than fifty dollars or by imprisonment for not more than thirty days, in the discretion of the Court in Swain County."
1933, c. 10.

4492. Add at end: Applicable to Wilson County. "Provided, that nothing herein shall prohibit the use of virus by any county agent or any person designated by Board of County Commissioners who is experienced in animal husbandry."
1933, c. 58.

4492. Add at end: Applicable to Edgecombe County: "The provisions of this section shall not apply to any person distributing, selling or using virulent blood from hog-cholera infected hogs or virus in Edgecombe County with the written permission of the Farm Demonstration Agent of Edgecombe County."
1933, c. 139.

CHAPTER LXXXIII

CRIMINAL PROCEDURE

4636. Add new section: "4636(a). In all trials in the Superior Courts of this State wherein the defendant stands charged with an offense not punishable with death, when represented by counsel, it shall be competent for the defendant to enter a conditional plea of guilty therein, or *nolo contendere*, if the Court shall permit the latter plea; and thereupon the Court may hear and determine the matter, having the evidence recorded, if it be demanded by the defendant before or at the time of entering plea. Upon the conclusion of the evidence for the State the defendant shall have the right to demur to the evidence, which demurrer shall have the same force and effect as such demurrers now have in the trial of criminal causes by jury, and, in the event said demurrer is overruled, may again demur at the conclusion of all the evidence, with the like force and effect. When objection has been made and exception taken to the overruling of the demurrer, the defendant may appeal from final judgment and sentence of the Court notwithstanding the plea theretofore entered.

"The judge shall pass upon the evidence with due regard to the weight and sufficiency thereof, as the same may be considered by a jury, and if he is satisfied beyond a reasonable doubt that the defendant is guilty, he shall proceed to judgment and sentence upon the plea entered, and dispose of the case in like manner as upon conviction by a jury. If he is not so satisfied, he shall cause the plea to be stricken out and a verdict of not guilty entered: *Provided, however*, that, upon such plea the judge hearing the matter may find the defendant guilty of any count or charge or degree of offense covered by the indictment or warrant, in the same manner as the jury may have been permitted to find in case of jury trial."

1933, c. 23 and c. 469.

4651. Add at end: "And where it shall appear to the presiding judge that a defendant who has been convicted of a capital felony and who has prayed an appeal to the Supreme Court from the sentence of death pronounced against him upon such conviction is unable to defray the cost of perfecting his appeal on account of his poverty, it shall be the duty of the county in which the alleged capital felony was committed, upon the order of such judge, to pay the necessary cost of obtaining a transcript of the proceedings had and the evidence offered on the trial from the court reporter for the use of the defendant and the necessary cost of preparing the requisite copies of the record and briefs which

the defendant is required to file in the Supreme Court under the rules of said Court. The judge may fix the reasonable value of the services rendered in furnishing such transcript and preparing such copies of the record and briefs, and said copies of the record and briefs shall be prepared in the manner prescribed by the rules of the Supreme Court in pauper appeals. *Provided*, that this act shall apply only to those cases in which counsel has been assigned by the Court."

1933, c. 197.

CHAPTER LXXXIV

AGRICULTURE

4703(h). (Michie.) In line 3, strike out the word "other" and insert the word "poisonous."
1933, c. 233.

4831(f). (Michie.) Insert new section: "4831(f-1). That it shall be a misdemeanor, punishable by fine or imprisonment in the discretion of the Court, for any person, firm, association, or corporation, selling seeds, tubers, plants, or plant parts in North Carolina to use any evidence or certification, such as a blue tag or the word 'certified' or both, on any package of seed, tubers, plants or plant parts, nor shall the word 'certified' be used in any advertisement of seeds, tubers, plants, or plant parts, unless such commodities used for plant propagation shall have been duly inspected and certified by the agency of certification provided for in this act, or by a similar legally constituted agency of another State or foreign country."

1933, c. 340.

4879. (Applicable to Edgecombe County only.) Add at end: "This section shall not apply to any person, distributing, selling or using virulent blood from hog-cholera infected hogs or virus in Edgecombe County with the written permission of the Farm Demonstration Agent of Edgecombe County."

1933, c. 139.

CHAPTER XCI

COMMERCE AND BUSINESS

5112. Add new section: "5112(a). It shall be unlawful for any person, firm or corporation to manufacture, sell, give away, dispose of, use or possess machine guns, sub-machine guns, or otherlike weapons: *Provided, however*, that this section shall not apply to the following:

"Banks, merchants and recognized business establishments for use in their respective places of business, who shall first apply to and receive from the Clerk of the Superior Court of the county in which said business is located, a permit to possess the said weapons for the purpose of defending the said business; officers and soldiers of the United States Army, when in discharge of their official duties; officers and soldiers of the militia and the State Guard when called into actual service; officers of the State, or of any county, city or town, charged with the execution of the laws of the State, when acting in discharge of their official duties: *Provided, further*, that automatic shotguns and pistols or other automatic weapons that shoot less than sixteen shots shall not be construed to be or mean a machine gun or sub-machine gun under this section; and that any *bona fide* resident of this State who now owns a machine gun used in former wars, as a relic or souvenir, may retain and keep same as his or her property without violating the provisions of this act upon his reporting said ownership to the Clerk of the Superior Court of the county in which said person lives.

"Any person violating any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than five hundred (\$500.00) dollars, or imprisoned for not less than six months, or both, in the discretion of the Court."

1933, c. 261.

CHAPTER XCII

CONFEDERATE HOMES AND PENSIONS

5168(d). Vol. III. Now reads: "*County Board.* The Clerk of the Superior Court, together with three reputable ex-Confederate soldiers, or sons, or daughters, or grandsons, or granddaughters of ex-Confederate soldiers, to be appointed by the State Auditor, shall constitute a County Board of Pensions for their county."

1933, c. 465.

CHAPTER XCIII

CO-OPERATIVE ORGANIZATIONS

5175. Add new section: "5175(a). *May become members of and hold stock in a Federal Home Loan Bank* Any building and loan association heretofore or hereafter organized under the laws of this State may subscribe to, purchase, hold or own and dispose of stock in any Federal Home Loan Bank, and may become members of any such bank authorized by or organized under an Act of Congress entitled 'The Federal Home Loan Bank Act,' approved July 22, 1932."

1933, c. 20.

5175. Add new section: "5175(b). *Annual meetings.* The annual meeting of any such association shall be held at such time and place as shall be fixed in the notice of said meeting. There shall be published once a week for two weeks preceding such meeting, in a newspaper published in the county or town where the association has its principal office, a notice, signed by the secretary, of such meeting and the time and place where the same is to be held; and such further notice shall be given as the charter or by-laws of the association may require. Notice of special meetings of shareholders shall be given in a like manner. Unless otherwise provided, twenty-five shareholders, present in person or represented by proxy, shall constitute a quorum at any regular or special shareholders' meeting. If no newspaper be published in the county or town in which any association has its principal office, then the notice above provided may be published by posting same at a conspicuous place in the office of the association and a like notice at the door of the county court house."

1933, c. 19.

5177. Now reads: "*Different classes of shares; dividends; reserve fund.* Every building and loan association doing business in this State shall be authorized to issue as many series or classes and kinds of shares and at such stated periods as may be provided for in its charter or by-laws: *Provided*, the dividends on paid-up stock shall be less than the association is earning, and such stock may have the right to share in the dividends between the rate paid and the earned per centum. Every association shall at all times have on hand investments in obligations of the United States Government or the Government of the State of North Carolina, or stock in the Federal Home Loan Bank, or bonds issued by the Federal Home Loan Bank, or on deposit in such bank or banks as may have been approved by a majority of the entire board of directors, an amount equal to at least five per centum of the aggregate amount of paid-up stock outstanding, as shown by the books of the association. When the aggregate of investment or funds in hand or on deposit as herein provided falls below the amount required under this section, the association shall make no new real estate loans until the required amount has been accumulated; *Provided*, that the refinancing, recasting or renewal of loans previously made, and/or loans made as a result of foreclosure sales under instruments held by the interested building and loan association, shall not be considered as new loans within the meaning of this section."

1933, c. 26.

5180. Add two new sections: "5180(a). Any shareholder in a building and loan association may withdraw all or any part of his or her holdings of unpledged or unhypothecated stock in such association by giving to the secretary of such association one month's written notice of his or her intention so to do, and the right of such shareholder to make such withdrawal shall accrue one month after the giving of such notice, subject to the conditions set out in the following section."

1933, c. 122, s. 1.

"5180(b). Whenever any shareholder whose stock has matured or whose right to withdraw his or her stock has accrued, as above set out, has not been paid because of insufficiency of funds in the treasury of the association, the secretary of said association shall under instruction from the directors, create a separate fund to be known as the 'withdrawal or maturity fund' and into such fund shall be paid one-half of the net receipts of the association monthly. Net receipts shall mean the receipts of the association from interest, installments, rent and other revenue producing sources, diminished by the expenses of the association, and by any sums directed by the board of directors to be set apart and held separately for the purpose of meeting bills payable or notes payable at the maturity thereof. From time to time as the board of directors may direct, the secretary shall make an equitable and ratable distribution of the funds in said 'withdrawal or maturity fund' to the stockholders whose right to receive payment from said fund has accrued, as hereinbefore provided, at the date of such distribution. One-half of the net receipts of the association shall be added monthly to such fund so long as there remains any shareholder of the association entitled to receive a portion thereof as aforesaid. No shareholder whose stock has matured or whose right to withdraw his stock has accrued as hereinbefore set out, shall have the right to demand or receive any funds in excess of the amount equitably and ratably distributed as hereinbefore set out except on approval of board of directors of such association and/or the Insurance Commissioner."

1933, c. 122, s. 2.

5184. Now reads: "*Power to borrow money.* Any such association may in its certificate of incorporation, constitution, or by-laws authorize the board of directors from time to time to borrow money, and the board of directors may from time to time, by resolution adopted by a vote of at least two-thirds of all the directors and duly recorded on the minutes, borrow money for the association on such terms and conditions as they may deem proper; but the total amount of money so borrowed shall at no time exceed thirty per centum of the gross assets of such association, and the same shall be used for no other purpose than to make loans to members in regular course of business or to pay maturing series of stock. In order to secure obligations for money borrowed under the provisions of this section, any such association may assign its notes, bonds, and mortgages and/or other property, including the right to repledge the shares of stock pledged as collateral security without securing the consent of the owner thereto, as security for the repayment of its indebtedness as evidenced by its bond, obligation, or note given for such borrowed money."

1933, c. 18.

5192. Add: "The fee for such license shall be \$2.50, to be paid to the Insurance Commissioner at the time the certificate is issued; and no other license or fee shall be required for said business of an agent or solicitor so licensed."

1933, c. 17.

5193. Add new section: "5193(a). No judge or court shall appoint a receiver for any building and loan association organized and incorporated under the laws of the State unless five days' advance notice of the motion, petition or application for appointment of a receiver shall have been given to such association and the Insurance Commissioner of the State."

1933, c. 38.

5259(d). Vol. III. After the word "members" in line 3, insert the words "and other farmers."

1933, c. 350, s. 2.

5259(x). Vol. III. In line 3, sub-section (a), after the word "members" insert the words "and other farmers."

Strike out the last sentence of sub-section (a) and insert the following: "An association organized hereunder shall not deal in the products of non-members to an amount greater in value than such as are handled by it for its members."

1933, c. 350, s. 3.

5259(x). Vol. III. At end of sub-section (b), add: "and other farmers who deliver agricultural products to the Association."

1933, c. 350, s. 4.

5259(ee). Vol. III. New section: "Nothing in this chapter shall prevent an association organizing, forming, operating, owning, controlling, having an interest in, owning stock of, or being a member of any other corporation (hereinafter referred to as a subsidiary corporation) from including or having included in the charter or by-laws of such subsidiary corporation provisions for the control or manage-

ment of said subsidiary corporation by such association to such extent as shall by votes of the board of directors of such association, and the majority of the stockholders of such subsidiary corporation, be declared to be for the best interests of said association and said subsidiary corporation respectively. Such provisions may be so included in any such charter or by-laws and may by way of illustration, but not of limitation, include the following:

"1. Representation of said association on the board of directors or other governing body of said subsidiary corporation, upon such terms as may be deemed advisable.

"2. Ownership by an association of an interest or interests in a subsidiary corporation represented by stock of any class thereof, or otherwise, to such extent and upon such terms, and with such voting power, as may be deemed advisable.

"3. Participation by said association in the profits of such subsidiary corporation to such extent and upon such terms as shall be deemed advisable."

1933, c. 350.

CHAPTER XCIV

DRAINAGE

5337. Add at end: "Any vacancy occurring in the office of drainage commissioner for Davidson Creek Drainage District in Iredell County shall be filled by the Clerk of the Superior Court of said county until the next election in said district as provided by law."

1933, c. 466.

5382. Add new section: "5382(a). Whenever any assessment has been made or may be made by any drainage district formed under the laws of the State of North Carolina upon any lands in said district, either for construction or maintenance of its system of drainage or for any other purpose, and the particular assessment made against any particular piece of property has been paid or shall be hereafter paid in full, then and in that event no other or further assessment may be made upon said land for the purpose of providing money for the purpose for which the original assessment was made."

1933, c. 504.

CHAPTER XCV

EDUCATION

5730. Vol. III. Strike out the first sentence and insert the following: "The State Board of Education is hereby authorized to adopt, for the exclusive use in the public elementary schools of North Carolina, supported wholly or in part out of the public funds, textbooks and publications including instructional materials, to meet the needs of such schools in each grade and on each subject matter in which instruction is required to be given by law."

1933, c. 464, s. 1.

5733. Vol. III. Now reads: "*Basal and Supplementary Books.* All text books to be adopted by the State Board of Education shall be basal books or supplementary books necessary to complete the course of study."

1933, c. 464, s. 2.

5734. Vol. III. Now reads: "*Adoption of Supplementary Books.* The State Board of Education is hereby authorized to select and adopt all supplementary books and instructional material necessary to complete the course of study for all schools. Such supplementary books shall neither displace nor be used to the exclusion of basal books."

1933, c. 464, s. 3.

5738. Vol. III. Strike out first two paragraphs and insert the following: "The Textbook Commission shall first prepare, subject to the approval of the Superintendent of Public Instruction, and publish at the expense of the State, an outline course of study setting forth what subjects shall be taught in each of the elementary grades. It shall give in outline the number of basal and supplementary books on each subject to be used in each grade in accordance with the law. All textbooks which are to be adopted by the State Board of Education shall be basal books or supplementary books.

"After the outline course of study has been prepared and published, the Textbook Commission shall then prepare a multiple list of basal books to be submitted to the State Board of Education. The multiple list shall contain not less than four nor more than eight books or series of books on all subjects for each grade."

1933, c. 464, s. 4.

5739. Vol. III. In line 7, strike out the words "the elementary" and insert the words "all public schools."

1933, c. 464, s. 5.

5739. Add new section: "5739(a). Sec. 6. That the said Board of Education be and it is hereby authorized and empowered in its discretion to purchase and/or acquire a manuscript or manuscripts for school textbooks or supplementary books used or to be used in any or all grades of the public schools of North Carolina and to procure the printing and publishing of such books under contract through competitive bids or otherwise as it may in its discretion determine to be for the best interest of the public schools of the State; and if said Board of Education finds that by the acquisition of any such manuscript or manuscripts, and that by the making of any such contract for any such school books, either basal or supplementary, such books can be furnished to the public schools of the State at a price less than the same may be acquired from publishers, then it shall be the duty of said Board of Education to acquire such manuscripts and cause the same to be published and said books to be distributed in accordance with such rules and regulations and under such terms and conditions as it may deem advisable, having due regard to the standard of the school books so published, after taking into consideration the substance of such books and their adaptability for use in the schools of the State.

"Sec. 7. The State Board of Education is authorized and empowered to make and enter into all such contracts as may be necessary to provide for the proper distribution of textbooks either through a depository or depositories, or through the State Division of Purchase and Contract or other State agency, utilizing county boards of education or city boards of trustees, if found feasible, for local distribution, as to it may seem advisable; and is further authorized and empowered to make all needed rules, regulations, and contracts governing the disposition, sale, and return of school books as are not disposed of to the patrons of the schools, and to determine the nature of the contract or contracts to be entered into between the State Board of Education and the publisher or publishers, for the distribution of school textbooks adopted by it or in use in any of the public schools of the State. It may also determine the nature and kind of bond, if necessary, to be given by any depository or other agency carrying out the terms of this act, to the end that school textbooks shall be delivered to the patrons of the schools at the lowest possible net cost."

1933, c. 464, ss. 6, 7.

CHAPTER XCVI

EDUCATIONAL INSTITUTIONS

5800, 5820, 5821, 5831, 5835, 5842, 5847, 5841, 5856, 5865. (Vol. III.) Repealed insofar as they conflict with Art. 9(a), hereafter set out.

1933, c. 320, s. 1.

5871. After this section add new article: "Art. 9(a). The Trustees of the University of North Carolina, including the University of North Carolina, the State College of Agriculture and Engineering, the North Carolina College for Women, and the Trustees of the East Carolina Teachers' College, the Western Carolina Teachers' College, The Appalachian State Teachers' College, The Negro Agricultural and Technical College, The Winston-Salem Teachers' College, The Fayetteville State Normal School, The Elizabeth City Normal School, The North Carolina College for Negroes, and the Cherokee Indian Normal School, be and they are hereby authorized and directed to fix the tuition fees for their several State supported institutions, each Board of Trustees acting separately for their respective institution, in such amount or amounts as they may deem best taking into consideration the nature of each department and institution and the cost of equipment and maintaining the same; and are further instructed to charge and collect from each student, at the beginning of each semester, tuition fees and an amount sufficient to pay room rent, servants' hire and other expenses for the term. Indigent cripples are exempt from the provisions of this act.

"In the event that said students are unable to pay the cost of tuition as the same may become due, in cash, the said several boards of trustees are hereby authorized and empowered, in their discretion to accept the obligation of the student or students together with such collateral or security as they may deem necessary and proper, it being the purpose of this act that all students in State Institutions of higher learning shall be required to pay tuition, and that free tuition be and the same is hereby abolished, except such students as are physically disabled, and are so certified to be by the Vocational Rehabilitation Division of the State Board for Vocational Education, who shall be entitled to free tuition in any of the institutions named in this act.

"The provisions of this act shall not be construed to prohibit the several Boards of Trustees from charging non-resident students tuition in excess of that charged resident students."

1933, c. 320, ss. 1, 3.

CHAPTER C

GENERAL ASSEMBLY

6108. Now reads: "6108. *Enrollment of Acts.* All bills passed by the General Assembly shall be enrolled for ratification under the supervision and direction of the Secretary of State. All bills so enrolled shall be typewritten and carefully proofread. The Secretary of State is authorized and empowered to secure such equipment as may be required for this purpose, and from time to time during the sessions of the General Assembly to employ such number of competent and trained persons, not to exceed twelve at any one time, as may be necessary to perform this service. One of such number so employed shall be designated as Chief Enrolling Clerk, and shall receive not to exceed the sum of six dollars (\$6.00) per day for his services, and each of the others so employed shall receive not to exceed the sum of five dollars (\$5.00) per day for his services. *Provided*, the rules committees of the House of Representatives and Senate in joint session may increase or decrease the number of persons so employed."

1933, c. 173.

6116(c). Vol. III. Add new section: "6116(d). Act requires registration of all lobbyists with the Secretary of State together with a written authorization to act as legislative counsel; statement of expenses required; lobbying regulated."

1933, c. 11.

CHAPTER CII

HISTORICAL COMMISSION

6147. Office of Legislative Reference Librarian transferred to the Department of the Attorney General. Add at end of section: "In addition to the duties herein prescribed the Legislative Reference Librarian shall act as assistant in the office of the Attorney General and shall render to the Attorney General such assistance as he may be able to give in the conduct and administration of the office and duties of the said Attorney General, and shall perform such duties as may be assigned to him by the Attorney General consistent with and not to interfere with the duties now required of him by law."

1933, c. 21.

CHAPTER CIII

HOSPITALS FOR THE INSANE

6153. As amended by c. 265, 1929, in line 6, after the word "insane" insert the words "epileptic, feeble-minded."

1933, c. 342, s. 1.

6185. Change the period at end to a comma and insert the following: "with the exception that the State Hospital at Goldsboro shall admit feeble-minded negroes, under such rules and regulations as the Hospital Board and the Superintendent may prescribe, in such numbers as the capacity and the appropriations to the Hospital will permit."

1933, c. 342, s. 2.

CHAPTER CVI

INSURANCE

6358. As amended by c. 93, 1929, in line 4 of amendment, strike out the words "three and one-half" and insert the word "four."

1933, c. 34.

6360. In line 11 change semicolon to comma, strike out remainder of sentence and insert the following: "or by depositing with the Insurance Commissioner a bond in an amount of not less than five thousand (\$5,000) dollars, issued by any corporate surety company authorized to do business in this State."

Add at end of section: "The provisions of this section shall not apply to Farmers' Mutual Fire Insurance Associations now doing business in the State and restricting their activities to not more than two adjacent counties."

1933, c. 47.

6442. In line 12 after the semicolon insert the words "and every insurance company writing a fidelity, surety or casualty business in this State shall be required to deposit with the State securities of the same class enumerated above in the following amounts: Companies whose premium income derived from this State is less than \$100,000.00 per annum, \$25,000.00; companies whose premium income is in excess of \$100,000.00 per annum, \$50,000.00."

1933, c. 60.

6507(a). (c. 71, 1931.) "This is an act regulating mutual burial association, providing for semi-annual reports to the Insurance Commissioner."

1933, c. 222.

CHAPTER CVIII

LABOR REGULATIONS

6554. As amended, add at end: "It shall be unlawful for any person, firm, or corporation, proprietor or owner of any retail or wholesale mercantile establishment or other business where any female help is employed for the purpose of serving the public in the capacity of clerks or salesladies to employ or permit to work any female longer than ten hours in any one day or over fifty-five hours in any one week; nor shall any female be employed or permitted to work for more than six hours continuously at any one time without an interval of at least half an hour except where the terms of employment do not call for more than six and a half hours in any one day or period."

"That nothing in this act shall be construed to apply to females whose full time is employed as bookkeepers, cashiers, or office assistants, or to any establishment that does not have in its employment three or more persons at any one time: *Provided, further,* that this act shall not apply to females employed in any establishments located in any town or city of less than five thousand inhabitants as shown in the census taken by the United States Government in one thousand nine hundred and thirty."

"Every employer shall post in a conspicuous place in every room of the establishment in which females are employed, a printed notice stating the provisions of the act and the hours of labor. The printed form of such notice shall be furnished, upon request, by the Commissioner of Labor."

"That if any portion or section of this act shall be declared invalid, then the invalid portion or section shall in no way affect the validity of any other portion or section which can be given effect without such invalid part."

"Any employer of labor violating the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not exceeding one hundred dollars or imprisonment not exceeding sixty days, and each day's work exceeding the said hours shall constitute a separate offense."

1933, c. 35.

CHAPTER CX

MEDICINE AND ALLIED OCCUPATIONS

6618. Vol. III. Now reads: "6618. *Board may rescind license.* The board shall have the power to revoke and rescind any license granted by it when, after due notice and hearing, it shall find that any physician licensed by it has been guilty of grossly immoral conduct, or of producing or attempting to produce a criminal abortion, or by false and fraudulent representations has obtained or attempted to obtain practice in his profession, or is habitually addicted to the use of morphine, cocaine, or other narcotic drugs, or has by false or fraudulent representations of his professional skill obtained, or attempted to obtain, money or anything of value, or has advertised or held himself out under a name other than his own, or has advertised or publicly professed to treat human ailments under a system or school of treatment or practice other than that for which he holds a license, or is guilty of any fraud or deceit by which he was admitted to practice, or has been guilty of any unprofessional or dishonorable conduct unworthy of and affecting the practice of his profession, or has been convicted in any court, State or Federal, of any felony or other criminal offense involving moral turpitude. Upon the hearing before said board of any charge involving a conviction of such felony or other criminal offense, a transcript of the record thereof, certified by the Clerk of the Court in which such conviction is had, shall be sufficient evidence to justify the revocation or rescinding of such license. The findings and action of said board shall in all such cases and hearings be final and conclusive. And for any of the above reasons the said Board of Medical Examiners may refuse to issue a license to an applicant. The said Board of Medical Examiners, may in its discretion, restore a license so revoked and rescinded upon due notice being given and hearing had, and satisfactory evidence produced of reformation of the licensee."

1933, c. 32.

6649. In line 13 after the word "turpitude" insert the words "or has by himself or another solicited professional business."
1933, c. 270.

6696. Vol. III. Now reads: "6696. *Annual fees; failure to pay; revocation of license; collection by suit.* For the use of the Board in performing its duties under this article, every registered optometrist shall, in every year after the year one thousand nine hundred and thirty-two (1932), pay to the Board of Examiners the sum of not exceeding five and no/100 dollars (\$5.00), the amount to be fixed by the Board, as a license fee for the year. Such payments shall be made prior to the first day of April in each year, and in case of default in payment by any registered optometrist his certificate may be revoked by the Board at the next regular meeting of the Board after notice as herein provided. But no license shall be revoked for nonpayment if the person so notified shall pay, before or at the time of consideration, his fee and such penalty as may be imposed by the Board. The penalty imposed on any one person so notified as a condition of allowing his license to stand shall not exceed five and no/100 dollars (\$5.00). The Board of Examiners may collect any dues or fees provided for in this section by suit in the name of the Board. The notice hereinbefore mentioned shall be in writing, addressed to the person in default in the payment of dues or fees herein mentioned at his last known address as shown by the records of the Board, and shall be sent by the secretary of the Board by registered mail, with proper postage attached, at least twenty (20) days before the date upon which revocation of license is considered, and the secretary shall keep a record of the fact and of the date of such mailing. The notice herein provided for shall state the time and place of consideration of revocation of the license of the person to whom such notice is addressed."
1933, c. 492.

6711, 6712, 6713, 6714, 6715, 6716. Strike out the words "North Carolina Board of Chiropractors" in each section and insert the words "North Carolina Chiropractic Association."
1933, c. 442, s. 1.

6715. In line 17 (21), strike out the word "three" and insert "four," thus requiring a four year course instead of three.
1933, c. 442, s. 1.

6721. Insert new section: "6721(a). All duly licensed chiropractors of this State shall be exempt from service as jurors in any of the Courts of this State."
1933, c. 442, s. 2.

6722. In line 4, after the word "chiropractic" (Chiropractors), insert the words "as taught in recognized chiropractic schools and colleges."
1933, c. 442, s. 3.

6726. Add at end: "Any license or certificate granted by the Board under this act shall automatically be cancelled if the holder thereof fails to secure a renewal within three months from the time herein provided; but any license thus cancelled may, upon evidence of good moral character and proper proficiency, be restored upon the payment of ten (\$10.00) dollars."
1933, c. 442, s. 4.

6729(a). (s. 3, c. 87, 1925.) In line 3 (5), strike out the word "three" and insert the word "four."
1933, c. 203, s. 1.

As amended by c. 56, 1931, in line 6, sub-section (b), between the words "shall" and "have" insert the words "jointly with the North Carolina Board of Nurse Examiners."
1933, c. 203, s. 2.

CHAPTER CXIV NAVIGATION

6988. Now reads: "*Penalty for acting as pilot without license.* If any person shall act as a pilot, who is not qualified and licensed in the manner prescribed in this chapter, he shall be guilty of a misdemeanor and upon conviction shall be fined not more than \$50.00 and not less than \$25.00, or imprisoned not more than thirty days at the discretion of the Court; *Provided*, that should there be no licensed pilot in attendance, any person may conduct into port any vessel in danger from stress of weather or in a leaky condition."
1933, c. 325.

CHAPTER CXVIII PUBLIC HEALTH

7085. Add new sections as follows: "7085(a). Upon petition of two-thirds of the freeholders in any territory outside of an incorporated town, made to the State Board of Health, in which petition, the boundaries of a proposed sanitary district shall be set up, power is hereby given to the State Board of Health to create the same a sanitary district, and to appoint for the said sanitary district a committee of control and supervision, as hereinafter set out."

"7085(b). Upon application to the State Board of Health, the latter shall, at the expense of the petitioners, advertise in some newspaper of general circulation in the proposed territory, that said petition has been filed, the territory to which it applies, and the plan and purpose for the creation of the sanitary district; and shall advertise a hearing upon a fixed date before the State Board of Health or such investigators as it may appoint, and at such time and place as the State Board of Health may designate, at which time, the proponents of the measure and those opposed may be heard. At such time, if the State Board of Health shall deem it wise, there shall be appointed, upon recommendation of the freeholders of the territory affected, not less than three, and not more than five commissioners, who shall have in the said district the powers and duties herein stated."

"7085(c). As soon as convenient after their appointment, the commissioners so named shall meet and organize by the election of a chairman and a secretary and treasurer, *Provided, however*, that the secretary and treasurer may be one and the same person. The commission so organized shall have power to make rules and regulations for their meetings, to employ an agent for the purpose

of collecting taxes as may be hereinafter provided, and for such other purposes as may be authorized under this act. They shall annually, on the first Monday in August of each year levy upon the property in said district a sufficient amount of tax to carry on the purposes of the sanitary district, and particularly to pay for and maintain a system of waterworks and sewerage. The taxes shall be levied and imposed upon the assessed valuation of property made in said district for purposes of county taxation for the given year. Where the boundary lines of the proposed district cross real property which has been assessed as an entirety for county purposes, the Commission shall have the right to assess the property included in the boundaries in a ratio proportional to that of the land and property inside the boundaries to the whole property, and this may be done at such time and in such manner as they may deem advisable before the levy of the tax."

"7085(d). The taxes so levied shall be collected according to the provisions of law for the collection of other taxes, and the Sanitary Commission may appoint one of its own number for the collection of the taxes, or may employ a tax collector upon salary or commissions, as may be deemed advisable. The property in the district subject to tax may be sold as in the case of other tax sales, and the rules and regulations of the general statutes pertaining to the subject shall apply."

"7085(e). The Commission shall make such rules and regulations as may be proper for the protection of the funds so collected, and shall require suitable bonds to guarantee the same, and to secure their proper custody and application."

"7085(f). The Sanitary Commission herein provided for shall have the power to contract for a water supply and sewerage facilities, and to pay for the same; and to collect and expend such sums as may be necessary for the purpose of maintenance of these facilities. They may make rules and regulations for the collection of reasonable rates for service, and enforce the same."

"7085(g). In addition to the duties herein designated, the Sanitary Commission may require that the person designated as tax collector may also perform the duties of a civil officer within the territory, and police the same and when the proper resolution shall assign to him such duties, he shall have all the powers, duties, and responsibility within said district ordinarily pertaining to policemen of incorporated towns, and may make arrests and serve criminal process within the territory, in the same manner, and under the same conditions as may be done by such policemen."

Above sections not applicable to Moore County.

1933, c. 453.

7088. Add at end: "The State Board of Health shall have authority to abolish or consolidate existing registration districts, and/or create new districts when, in the judgment of the board, economy and efficiency and the interests of the public service may be promoted thereby."

1933, c. 9, s. 3.

7089. Add at end: "The State Board of Health shall have authority and power to designate and appoint the whole-time health officer of the county as registrar for that county, or fractional part or parts thereof, when such action shall be deemed wise. In such case, the fees accruing from the vital statistics registration service, where such service is performed by the county health officer under such appointment, shall be used by the local board of health in its discretion for health service."

1933, c. 9, s. 3.

7093. Strike out that part of section beginning with the word "and" after the word "death" in line 3 (2), down to and including the word "still-birth" in line 7 (4), and insert in lieu thereof the words "but only one certificate shall be required of such birth and death, which shall be filed with the local registrar, the certificate to contain, in place of the name of the child, the word 'still-birth';".

1933, c. 9, s. 2.

7109. Vol. III. In line 30, after the word "month" strike out the words added in 1931, as follows: "and he shall at the same time transmit to the Register of Deeds of the county in which such birth or death occurred an exact copy of each such certificate."

1933, c. 9, s. 1.

7251(a). Vol. III. In line 3, after the words "ice cream" insert the words "frozen custard, milk sherbet, sherbet, water ices, and other similar frozen food products" and change the word "is" to "are."

1933, c. 431, s. 1.

7251(c). Vol. III. Add at end: "and whole milk, sweet cream, and ice cream mix shipped into this State from other States shall meet the same requirements and be subject to the same regulations and shall carry a tag or label showing grade or standard quality of product."

1933, c. 431, s. 2.

7251(h). Vol. III. In line 2, after the word "authorized" insert the words "make such definitions."

1933, c. 431, s. 3.

7251(i). Vol. III. In line 3, after the words "ice-cream factory" insert the words "where ice cream, frozen custard, milk sherbet, sherbet, water ices and/or other similar frozen food products are made or stored or cheese factory." In line 6, after the words "ice cream" insert the words "frozen custard, milk sherbet, sherbet, water ices, and/or other similar frozen food products."

1933, c. 431, s. 4.

Insert new article: "Art. 21-A. *Milk and Milk Bottles and other Containers of Dairy Products.*" Regulating the sale and use of milk bottles and containers.

1933, c. 284.

Making the misbranding of milk or cream a misdemeanor, fine of from ten to fifty dollars.

1933, c. 343.

7251(x)-7251(hh). Vol. III. Now reads: "Definitions. As used in this act: The word 'mattress' means: Any mattress, upholstered spring, comforter, pad, cushion or pillow to be used in reclining or sleeping. This act shall not apply to any mattress smaller than twelve inches in its greatest dimension.

"The word 'person' means: Any individual, corporation, partnership, or association.

"The term 'new material' means: Any material which has not been used in the manufacture of another article or used for any other purpose.

"The term 'previously used material' means: (a) Any material which has been used in the manufacture of another article or used for any other purpose; (b) any material made into thread, yarn, or fabric, and subsequently torn, shredded, picked apart, or otherwise disintegrated.

"The word 'sell' or 'sold' shall, in the corresponding tense, include: sell, offer to sell, or deliver or consign in sale, or possess with intent to sell, deliver or consign in sale.

"Possession of one or more articles covered by this act when found in any store, warehouse, or place of business, other than a private home, hotel, or other place where such articles are ordinarily used, shall constitute *prima facie* evidence that the article or articles so possessed are possessed with intent to sell, and in violation of this act.

"All words shall include plural and singular, masculine and feminine, as the case demands.

"*Sterilization.* No person shall in making, remaking or renovating a mattress for another person, use any previously used material which, since last used, was not sterilized by a process approved by the State Health Officer.

"No person shall sell a used mattress unless sterilized, since last used, by a process approved by the State Health Officer; but nothing in this act shall be construed or interpreted as preventing a sale by an executor or administrator of the mattresses of a decedent.

"A detailed drawing and description of any sterilizing apparatus and process to be used under this act shall be submitted to the State Health Officer, who shall, if the process effectively sterilizes, approve such process and give the person submitting it a dated Sterilizing License expiring at the end of the calendar year in which issued, and the fee for which shall be fifty dollars a year.

"Any person who receives a mattress for renovation shall keep attached thereto, from the time received, a tag on which is legibly written the date of receipt and the name and address of the owner.

"*Tagging.* No person shall sell a mattress to which is not securely sewed, by at least two edges, a cloth or cloth-backed tag at least two inches by three inches in size, to which has been affixed the adhesive stamp provided in Section five.

"Upon said tag shall be legibly stamped or printed with ink in English, (a) the name of the material or materials used to fill such mattress; (b) the name and address of the maker or vendor of the mattress; (c) in letters at least one-eighth inch high the words, 'Made of New Material,' if such mattress contains no previously used material; or the words, 'Made of Previously Used Material,' if such mattress contains any previously used material; or the words 'Second-hand' on any mattress which has been used, but not remade.

"Nothing likely to mislead shall appear on said tag, and it shall contain all statements required by this act, and shall be sewed to the outside covering of every mattress being manufactured, before the filling material has been inserted.

"Material known in the cotton waste trade as 'sweeps' or 'oily sweeps' shall be named 'mill floor sweepings' on the tag required by this act, and shall not be used unless previously sterilized by a process approved by the State Health Officer.

"The name 'felt' shall not be used unless the material has been carded in layers by a garnett machine. No person, other than a purchaser for his own use, shall remove from a mattress, or deface or alter the tag or stamp required by this act.

"*Enforcement funds.* The State Health Officer is hereby charged with the administration and enforcement of this act, and he shall provide specially designed adhesive stamps for use under Section five. Upon request he shall furnish no less than one thousand said stamps to any person paying in advance twenty dollars per thousand stamps. State institutions engaged in the manufacture of bedding for their own use or that of any other State institution shall not be required to pay a fee for such stamps as they may use.

"All money collected under this act shall be paid to the State Health Officer, who shall place all such money in a special 'Bedding Law Fund' which is hereby created and specifically appropriated to the State Board of Health, solely for expenses in furtherance of the enforcement of this act. The State Health Officer shall semi-annually render to the State Auditor a true statement of all receipts and disbursements under said fund, and the State Auditor shall furnish a true copy of said statement to any person requesting it.

"*Enforcement.* The State Board of Health, through its duly authorized representatives, is hereby authorized and empowered to enforce the provisions of this act.

"Every place where mattresses are made, remade, renovated, sterilized, or sold, or where previously used material is sterilized under this act, shall be inspected by duly authorized representatives of the State Board of Health.

"When an authorized representative of the State Board of Health has good evidence that a mattress is not tagged as required by this act, he shall have authority to open a seam of such mattress to examine the filling; and if unable, after such examination, to determine if the filling is of the kind stated on the tag, he shall have power to examine any purchase records necessary to determine definitely the kind of material used in such mattress, and he shall have power to seize and hold for evidence any mattress or material made, possessed, or offered for sale contrary to this act.

"*Licenses.* No person, except for his own use, shall make, remake, or renovate mattresses until he has secured a license from and has paid to the State Health Officer an annual inspection fee of fifty dollars. The license so issued shall be valid until the end of the calendar year in which issued, or until voided for violation of this act.

"The State Health Officer may revoke and void the aforesaid license of any person convicted of violating this act; and such person shall not make, remake, renovate, or sell a mattress until he has paid another inspection fee of fifty dollars, whereupon the State Health Officer shall issue a new license to said person. This section shall not apply to blind persons engaged in making, remaking, or renovating mattresses.

"*Unit of offense.* Any person who fails to comply with any provision of this act, or who counterfeits the stamp provided in Section five, shall be guilty of a violation of this act. Each stamp so counterfeited, and each mattress made, remade, renovated, or sold contrary to this act shall be a separate violation.

"If any person submits reasonable proof to any officer, or a representative of the State Board of Health, it shall be the duty of said officer or representative of the State Board of Health to swear out a warrant against the offender.

"Penalty. A person who violates this act shall, upon conviction thereof, be fined not less than ten nor more than fifty dollars, or imprisoned in the county jail not to exceed thirty days.

"Provided, that in cases where mattresses are made solely by blind persons that such blind persons shall be exempt from paying the tax herein provided. This act shall become effective July 1, 1933: *Provided, however,* that any official linen or muslin labels or tags issued by the State Board of Health prior to July 1, 1933, may be used after July 1, 1933, in lieu of the tags and stamps provided for in this act."

1933, cc. 339, 538.

CHAPTER CXX

PUBLIC PRINTING

7310. As amended by c. 312, s. 6, 1931, add at end: "(c). The Commissioner of Labor shall have power to take and preserve testimony, examine witnesses, administer oaths, and under proper restriction enter any public institution of the State, any factory, store, workshop, laundry, public eating-house or mine, and interrogate any person employed therein or connected therewith, or the proper officer of a corporation, or file a written or printed list of interrogatories and require full and complete answers to the same, to be returned under oath within thirty days of the receipt of said list of questions.

"He shall secure the enforcement of all laws relating to the inspection of factories, mercantile establishments, mills, workshops, public eating-places, and commercial institutions in the State, and to aid him in the work shall have power to appoint factory inspectors and other assistants. The duties of such inspectors and other assistants shall be prescribed by the Commissioner of Labor.

"The Commissioner of Labor, his assistants and factory inspectors, shall visit and inspect at reasonable hours, as often as practicable, the factories, mercantile establishments, mills, workshops, public eating-places, and commercial institutions in the State where goods, wares, or merchandise are manufactured, purchased, or sold, at wholesale or retail.

"It shall be the duty of the Commissioner of Labor to enforce the provisions of this chapter, and to prosecute all violations of laws relating to the inspection of factories, mercantile establishments, mills, workshops, public eating-houses, and commercial institutions in this State before any justice of the peace or court of competent jurisdiction.

"It shall be the duty of every employer to keep posted in a conspicuous place in every room where five or more persons are employed printed notice stating the provisions of the law relative to the employment of adult persons and children and the regulation of hours and working conditions. The Commissioner of Labor shall furnish the printed form of such notice upon request.

"It shall be the duty of the solicitor of the proper district or the prosecuting attorney of any city or county court, upon the request of the Commissioner of Labor, or any of his assistants or deputies, to prosecute any violation of law which is made the duty of the said Commissioner of Labor to enforce."

1933, c. 244.

CHAPTER CXXI

REFORMATORIES

7328(e). Vol. III. Add new section: "7328(f). The governing authorities of the Stonewall Jackson Training School at Concord and the State Home and Industrial Training School for Girls at Samacand are hereby authorized and directed to make proper provisions for admitting delinquent boys and girls, respectively, of the Cherokee Indian Race of Robeson County to these institutions under the same rules and regulations as are now provided for admitting delinquent boys and girls of the white race; *Provided, however,* that the boys and girls so admitted shall be separated from the white inmates of the said institutions." \$10,000 for years 1934 and 1935, added to the appropriation.

1933, c. 490.

CHAPTER CXXVI

STATE DEPARTMENTS, INSTITUTIONS AND COMMISSIONS

7486(f). The division of personnel placed under the Budget Bureau and the duties of said division shall be performed by the Assistant Director of the Budget without additional compensation.

1933, c. 46.

7494. Vol. III. Insert new article: "Art. 2-A. Act known as the North Carolina Building Code. Building Code council created; administration placed under insurance commissioner."

1933, c. 392.

7534(c). Vol. III. Add new sections: "7534(d). Whenever any funds shall be placed or deposited with the officials of any State Hospital or other charitable institution by or for any patient or inmate thereof, and the person by or for whom such deposit is made dies while a patient or inmate of such State Hospital or other charitable institution or who shall leave such institution and at the time of such death, or departure, such patient or inmate is indebted to said hospital or other charitable institution for care and maintenance while such patient or inmate, the board of directors or trustees of such State Hospital or other charitable institution are hereby authorized, empowered and directed to apply such deposit, or so much thereof as may be necessary, and which may remain in their hands unclaimed for the space of three years after such death or departure on and in satisfaction of the indebtedness of such patient or inmate, to said State Hospital or other charitable institution for said care and maintenance. If the whole of such amount so on deposit shall not be required or necessary for the payment in full of such indebtedness for such care and maintenance, the remainder shall continue to be held by said officials, and paid out and applied as may be by law required."

1933, c. 352.

"7534(e). The act provides for competitive bidding for construction or repair work or for the purchase of apparatus, supplies, materials or equipment by the State of North Carolina or sub-divisions thereof."

1933, c. 400.

CHAPTER CXXVII

STATE LANDS

7544. An act to preserve the recreational advantages of State lakes.
1933, c. 516.

7575. Add at end: "*Provided*, that for each acre of land entered in Cherokee, Clay, Graham, Macon and Swain Counties there shall be paid to the State Treasurer the sum of one and one-half dollars."

1933, c. 72.

CHAPTER CXXIX

STATE OFFICERS

7642. Add new section: "7642(a). The office of Commissioner of Pardons created and a system of paroles and reprieves established."
1933, c. 111.

7651. Art. 3-A, following this section creating the office of Executive Counsel repealed.
1933, c. 30.

7661. Add at end: "The Secretary of State shall furnish the Library of the University of North Carolina at Chapel Hill twenty-five copies, in addition to all now furnished, of the Public, Public-Local, and Private Laws, of the House and Senate Journals, legislative documents, and all reports and publications of the State of North Carolina and its several agencies, institutions and departments, for use in exchange with other southern States, municipalities and institutions and with a selected list of States outside of the South. *Provided*, that no reprinting of the Public, Public-Local and Private Laws, of the House and Senate Journals, legislative documents and reports and publications of the State of North Carolina and its several agencies, institutions and departments shall be made to comply with the provisions hereof."
1933, c. 355.

7663. In lines 14 and 15, strike out the words "to the state library two copies" and insert the words "to the state library twenty copies."
1933, c. 2.

7684. Strike out first sentence of paragraph 2 and insert the following: "The payment of interest on deposits of State money in any bank or banks shall be controlled by the Governor and Council of State, who shall have full power and authority to determine for what periods of time payment of interest on such deposits shall or shall not be required, and to fix the rate of interest to be paid thereon."
1933, c. 175.

CHAPTER CXXX

STATE PRISON

State Prison and State Highway Commission consolidated and the State Highway and Public Works Commission created.
1933, c. 172.

7698-7702. Repealed.

7708-7711. Repealed.
1933, c. 172, s. 12.

7716. Now reads: "7716. From and after the ratification of this act all persons who may be convicted of a felony in any of the courts of this State, and sentenced to imprisonment, shall be sentenced to the State's Prison and assigned to do labor under the supervision of State Highway and Public Works Commission; and all persons sentenced to imprisonment upon conviction of crime of less degree than a felony shall be sentenced to the common jail of the county in which the trial is conducted and assigned to do labor under the supervision of State Highway and Public Works Commission. No person shall be assigned to labor under the supervision of State Highway and Public Works Commission whose term of imprisonment, as fixed by the judgment of the Court, is less than thirty days."

1933, c. 172, s. 13.

CHAPTER CXXXI

TAXATION

7994(a). (Michie.) Add Haywood, Rowan and Swain Counties to list of counties providing for payment of taxes in installments.
1933, c. 198.

8005(a). Vol. III. Now reads: "All sheriffs and tax collectors who, by virtue of their office, have had the tax lists for the purpose of collecting taxes of their respective counties, towns and school districts, in their hands for the years one thousand nine hundred twenty-three, one thousand nine hundred twenty-four, one thousand nine hundred twenty-five, one thousand nine hundred twenty-six, one thousand nine hundred twenty-seven, one thousand nine hundred twenty-eight, one thousand nine hundred twenty-nine, one thousand nine hundred thirty, and one thousand nine hundred thirty-one, and in case of death or default in collection, their personal representatives, bondsmen, or any agent or agents that they may designate, are authorized and empowered to collect arrears of taxes for each of the years aforesaid, under such rules and regulations as are now, or may hereafter be provided for the collection of taxes."

1933, c. 97, s. 1.

8005(b). Vol. III. Now reads: "No executor or guardian shall be compelled to pay any tax under the provisions of this act after he shall have made final settlement: *Provided*, that this act shall not authorize a sale of any land for taxes which has been conveyed prior to January first, one thousand nine hundred and thirty-one, to a purchaser for value, and without actual notice of the non-payment of such taxes: *Provided, further*, that all lands sold for the non-payment of taxes, under the provisions of this act, shall be sold subject to encumbrances by mortgages or deeds in trust, executed prior to January first, one thousand nine hundred and thirty-one."

1933, c. 97, s. 2.

8005(c). Vol. III. Now reads: "Nothing in the two preceding sections shall be construed to relieve sheriffs, tax collectors, their representatives or bondsmen, from the liability imposed by the law to pay the State, county, town any (and) other taxes at the time and place required by law."

1933, c. 97, s. 3.

Above three sections not applicable to taxes involved in litigation.

1933, c. 97, s. 4.

8005(d). Vol. III. Now reads: "The authority herein given shall cease and determine on the first day of January, one thousand nine hundred and thirty-five."

1933, c. 97, s. 5.

8014. Amendment relating to Edgecombe County repealed.

1933, c. 415.

8037. (Michie.) In line 9 of second paragraph, between the word "herein" and the word "otherwise" insert the words "or at any time before the order to make deed is made."

1933, c. 532, s. 1.

8037. Further amended so that in no event shall the attorney's fee exceed two dollars and fifty cents in each suit for foreclosure, the advertisement of sale shall not exceed three dollars and the total cost including newspaper advertisement and attorney's shall not exceed six dollars. The interest and penalty on tax sales certificates shall be eight per cent per annum. Wake County exempted from act.

1933, c. 560, ss. 1, 3.

8037(a $\frac{1}{2}$). (Michie.) Add at end of section: "But no judgment shall be effective, or be made to become effective, until final order to make deed is made."

1933, c. 532, s. 2.

CHAPTER CXXXIII

WEIGHTS AND MEASURES

8060. Vol. III. Add at end: "Whenever any commodity herein named shall be quoted or sold by the bushel, the bushel shall consist of the number of pounds stated in this section; and whenever quoted or sold in sub-divisions of the bushel, the number of pounds shall consist of the fractional part of the number of pounds as set forth therein for the bushel; and when sold by the barrel shall consist of the number of pounds constituting 3.281 bushels."

1933, c. 523, s. 3.

8064(a)-8064(u). (Chapter 261, 1927.) Governor given power to transfer Superintendent of Weights and Measures to the Revenue Department and the authority vested in the Commissioner of Agriculture in the above chapter is transferred to the Governor who is authorized and empowered to appoint a Superintendent of Weights and Measures.

1933, c. 523.

8081(a). Vol. III. Repealed as to Macon County.

1933, c. 82.

8081(b). Vol. III. In line 3, between the word "Pound" and the word "three" insert the words "two pounds" and after the words "ten pounds" insert the words "twenty-five pounds."

1933, c. 162.

CHAPTER CXXXV

CONCERNING THE CONSOLIDATED STATUTES

8108. Add new section: "8108(a). All acts of the General Assembly of one thousand nine hundred and thirty-three containing references to, or amendments of, any section or sections of 'The North Carolina Code,' or 'The North Carolina Code of One Thousand Nine Hundred and Thirty-one,' or 'Michie's North Carolina Code' are hereby declared to be intended as reference to, and amendments of, the apposite, related, or cognate section or sections of the Consolidated Statutes, and all such references and amendments shall be liberally construed as intending to amend or relate to said apposite, related, or cognate sections of the said Consolidated Statutes."

1933, c. 443.

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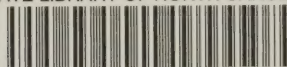
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